

174

A
COLLECTION
OF
ORIGINAL PAPERS
AND
Material Transactions,
Concerning the late Great AFFAIR
OF THE
UNION

BETWEEN
ENGLAND and SCOTLAND.

ALSO
An Exact JOURNAL
OR THE
PROCEEDINGS
OF THE
TREATY

As well at LONDON as in EDINBURGH.

Wherein the Privileges of the *Presbyterian KIRK*, and the Case of
Toleration of Episcopal Dissenters there, are very clearly stated.

IN FIVE PARTS.

Faithfully Collected from the Records and Registers; by a
Person Concern'd in the said Treaty, and present in both
Kingdoms at the Time of its Transacting.

L O N D O N :

Printed for J. Knapton at the Crown in St. Paul's Church-Yard; N. Cliff, at
the Bible and Three Crowns near Mercers Chapell; and J. Baker, at the
Black-Boy in Pater-Noster-Row. MDCCXII.

A

COLLECTION

ORIGINAL PAPER

Material Translations

Concerning the late Great A. F. F. A. R.

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W. E. T. W.

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As well as London as in Edinburgh.

Wherein the Privileges of the American A.R.K. and the Case of Toleration of Episcopal Ministers therein are clearly stated.

Л. Т. Я. в. 1. 4. 11

Kindred as at the Time of its Translating.

W O D W O A

Printed for J. Knapton, at the Crown in St. Paul's Church-yard, London.
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Black Lion in Pater-noster-row. MDCCLXXII.

THE P R E F A C E.

IN writing a History of the Union, it could not be reasonably expected, that I should go any farther than the Finishing, Ratifying and Exchanging the Treaty in the Respective Parliaments of the two Nations to be United — and this I think I have Finished in the following Sheets.

However, since the Work has lyen longer in the Press than I at first Expected; and some Remarkable things have in Consequence of, and very much Depending upon the UNION happened since, I could not Satisfy my self, without giving a short Abridgement of the State of Things, between the Time of Finishing the Treaty, and the Publication of this Work, which tho it be rather a Kind of Summary Recapitulation of things, than a Historical Narration, may yet be Equally Profitable to him that shall Enquire into the Affairs of the United Kingdoms at that Time.

The Union took Place, as has been Noted the 1st of May 1707, The Management of the Revenue, the Trials in the Exchequer and Admiralty, were all Settled on a New Foot, Commissioners of the Customs, Excise and Equivalent, were appointed; Judges of the Court of Exchequer, a New Admiralty, and their respective Offices were all fix'd; the Coin was Reformed, and entirely Reduc'd to the English Standard (the small Copper Money only Excepted) Weights and Measures were Regulated in part, and the respective Alterations and Models, whether in Government, or Commerce, Enacted by the Union, began every where to be put in Practice.

The British Parliament had been Assembled at Westminster, according to the Treaty, and had been Concluded with a General Satisfaction; And Her Majesty began to see the Compleat End of Her Wishes, in the Union being actually Consummated; The Northern Peers and Commons Sitting, and that too with a General Satisfaction and Applause in that First Parliament of Great Britain.

In this Parliament, several Things were done for the better Improving, and as it was Called then, Rendring more Effectual, the UNION, particularly that of Dissolving the Privy Council, Re-establishing the

Sessions of the Peace by Justices, &c. Settling the Militia, and making Lord Lieutenants, Deputy Lieutenants, &c. in every County as in England; of all which particular Mention is made in the following Sheets —, several Regulations also in Trade were made here, for the Ease of North Britain; particularly the Removing the Difficulties of bringing Foreign Imported Goods from Scotland to England, and the great Debate about the Wine, Brandy, &c. brought into Scotland, in the Interval between the Finishing, and Effectual taking Place of the Union, was put to an End, entirely in the Favour of Scotland, every thing being Cleared at once, and all Interruptions of Commerce thereby Removed.

But in the Middle of all this Harmony, an Accident interven'd, which if it had not been Mercifully prevented by the immediate Interposition of a Divine Power, had at once Unravelled all this happily finished Constitution, and that in a manner that the most Violent Opposer of the Union, could not in his warmest Thoughts have honestly wished to have seen.

This was the French Invasion; which Endangered not the Union only, but bid fair for Overturning the whole Frame of the present Establishment in Church and State, tearing up the very Foundation of our Constitution, I mean the Revolution; and Restoring, not only Tyranny and Arbitrary Government, but even Popery it self; that had so many Years since, and at such Expence of Blood and Treasure been Detroned in Scotland.

I shall need to bring very few Arguments to prove this, to have been the immediate Consequence of the Success of this Expedition, after I have given a Summary Account of the Matter of Fact, which is briefly as follows.

About January 1707, frequent Advices from Holland and Flanders, gave the Government Notice, That the French were making great Preparations at Dunkirk, for some secret Expedition; upon farther Search into the Matter of Fact, it appeared that several Men of War were fitting out there with the utmost Expedition, and unusual Quantities of Arms and Ammunition providing, with a large Train of Artillery; which were all to be Shipped forthwith on Board the Ships fitting up as above.

These Advices were still Seconded with others, till at last the French themselves making it no longer a Secret, and some of the Men of War being ready, they Ordered the Stores, Arms and Ammunition to be actually Shipped on Board, drew their Troops down to the Shore, and Openly Declared that this Expedition was Designed for Scotland, to Re-instate the King of Great Britain, So they Stiled the Pretender, in the Possession of his Lawful Dominions, as they Called them, and this they said was done at the Earnest Request of his Subjects in that Kingdom.

It is true, and most People thought it reasonable to judge, that it was not probable, the King of France would Embark in a Design of so Great Consequence, had he not received Invitations from Scotland: However, the Design not Succeeding, those Correspondences never came to be

be effectually discover'd; And therefore the House of Lords in their Address to Her Majesty take Notice, That the King of France making an Attempt to invade Her Majesties Dominions with such a contemptible Force, was a sufficient Evidence that he must have Encouragement from some Person in Scotland disaffected to Her Majesties Government.

However, The strictest Inquisition after these Correspondencies could never make any considerable Discovery, tho many Persons were taken up, which seemed to be owing rather to the Miscarriage of the Design, the French never coming on Shore with any Forces, and their Friends on Shore being too politick to show themselves till they saw their Troops on Shore, and in some Posture and Condition to protect them; — There were several Gentlemen taken up upon general Suspicions, which however it gave some Offence to the People, yet was thought necessary at that time, of which by and by.

About the End of February, these Preparations of the French were come to such a Height, and the Design of invading Scotland so out of doubt, that the Government here thought it high Time to prepare for the Defence of Scotland: And to that Purpose, Her Majesty wrote a Letter to the Privy Council in Scotland (which, tho determined to expire by an Act of Parliament, yet was in Being, and had Power to act, till the first Day of May following.) In this Letter, Her Majesty gave them Notice that she had received Information of an Intended Invasion back'd with a French and Popish Power, design'd against Scotland in Favour of the Pretender; — And therefore recommended to them the Security of the Kingdom, the Preservation of the publick Peace, and that they would use all possible Means to that Effect.

In the mean Time, Vigorous Preparations were made in England for preventing the Designs of the French, as well by equipping a Fleet to intercept them at Sea, and so prevent their Landing; as by providing Forces to give them a warm Reception, in case they should land in Scotland.

I know there were Complaints made, and Endeavours used to expose the Conduct of the Government in their Preparations; suggesting, That due Care was not taken to put Scotland in a Posture of Defence in case the French had landed: and a certain Noble Person caused the Letters of the E. of Leven the General in Scotland, which were written in the midst of that Hurry, and in which his Lordship wrote in pressing Terms for Assistance, to be Printed; — But when these Things came to be Examined in Parliament, it appeared otherwise than those Gentlemen represented, and the Parliament receiv'd full Satisfaction, that all the Diligence was used which the Nature of the Thing would admit, — But be that as it will, by the Event we found that Providence blessed the Measures taken, so as that they not only prevented the Execution of the Design at Edinburgh, but dispirited the Party in such a Manner, that they durst not make the Attempt any where else, which they might have done with too much Effect, and might but too well have made themselves Amends for the Disappointment, by ruining the Country, and keeping the Affairs of Britain in longer Suspence.

I shall however, without meddling with these Disputes which are dead with the Thing, show by the meer Relation of Fact, That England was in no

Condition to have made any Preparation that could have been effectual to prevent the Landing of the French; ——— And thus all they had done, as to Stores, Magazines, or Arms, as the Thing then stood, had been only leaving the greater Booty to the Enemy, and furnishing them with Weapons to use against our selves, ——— Since the Number of Troops, or the Condition of the Fortifications of Scotland were such as could make no tolerable Resistance, nor so much as protect the Magazines, if any had been Erected.

But to return to the Preparations made in England: ——— First, with Incredible Celerity, all the Men of War that could be found in any Condition were fitted out, mann'd, and victualled in Order to put to Sea, and wait for the Enemies Fleet; ——— And the Expedition in this Case was so surprising, That the French who had been inform'd that the English Navy was in no Condition to offer them any Disturbance in their Design, and upon which Presumption, they own'd afterward they made their Design publickly; found to their Disappointment sixteen English Men of War cruising before Dunkirk, before they (the French) were in any Condition to put to Sea — This however did not put a Stop to their Design, — but they went on with their Equipment; And their Fleet being ready, they embark'd their Troops about the fifth of March, their whole Force consisting of Twenty eight Sail of Ships, whereof sixteen were Men of War, and twelve were large Friggots or Privateers; ——— Their Land-Forces consisted of 15 French Battalions, and about 300 Volunteers, the most part Irish, being to serve as Officers for the raising New Regiments in Scotland; ——— These Forces being on Board with the Pretender, and some few Scots Gentlemen, particularly, the two Sons of the Earl of Middleton, with the Old Lord Griffin, &c. They came out of Dunkirk about the sixth of March, commanded by the French Admiral Monsieur Fourbin.

In this Time the Diligence of our Admiralty was such, tho England was at that Time very bare of Ships, that the English Squadron before Dunkirk was made up to 36 Sail, including some Dutch Men of War, that had also joined them; And as the French Fleet lay in Newport Pits, watching an Opportunity to sail, so the English lay off of Graveline, ready to start with them, and resolv'd, if possible, to engage them in their Passage.

However, The French trusting to their Canvas, the Cleanness of their Bottoms, and their Nimble Sailing, resolv'd to put to Sea; tho, as it were, in View of a superior Force; And accordingly, the Wind blowing fresh at North-west, they weigh'd and set Sail; ——— The various Course of the Fleets, and the Success, as to the sailing part, was the Subject of much Discourse: I shall therefore be the Breviter in it, since it was wonder'd very much, how the French who lay in View of the English Fleet could so get the Start of them, as to be at the Firth of Edinburgh about two Days before them; By which, had they not overshot their Port, they might have fairly put their Design in Execution, notwithstanding all the Power of the English and Dutch Fleet at their Heels.

The Wind, as I noted before, blew at North-west, a fresh Gale, and the French weighing upon the Top of High Water, went away with the Tide

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Tide of Ebb to the North-ward, keeping the Dutch Coast on Board, which was then the Weather-Shore.

The English lying in Graveling-Plis, had the following Disadvantages in the Pursuit; First, That it was about Eight Hours after the French were sailed, before they could get Notice of it, and be under Sail.

It was indeed wondrous at by some, why the English Fleet knowing very well that the French were designed for Scotland, which was North: and that they lay in Newport Road, should themselves ly in Graveling, which was at least 25 Miles to the South;—By which Means, whenever the French should sail, they would necessarily be behind them a considerable Way.

But this is Answered by the Sailors, and which I shall not undertake to confute, viz. that it blew very hard, the Wind at North, and North-west: And there was no other Place where the English Fleet could ride with Safety:

I shall leave this Dispute as I find it, and content my self with only naming it, as I shall others that came after it. —

Be it as it will, the Matter of Fact was so; — The French Fleet being sailed about Eight Hours before, — Advice was brought to Sir George Bing, who weigh'd with all Expedition, and followed with all the Sail he could make.

Sir George had also another Disadvantage, viz. That the French sailing with the first of the Ebb, he lost a Tide of them — So that in their first Starting, the French had the Advantage of the English Fleet, as follows. —

*Eight Hours in Time,
Twenty five Miles in Space,
And the Ebb of the Tide.*

With these Helps, and having first left out the lower Tire of their Guns to make them Light for sailing, their Ships being clean, and new fitted, the French Ships also being really better Sailors, generally speaking, than ours: with these Helps, I say, they got a very great Start of the English in their first setting out.

When they came to Sea, another Thing happened, which gave them a yet farther Advantage of the English; — The French Fleet kept a large Offing, as they call it, keeping to Windward all the Way rather nearer the German Coast than the British.

The English Fleet bore away for their own Coast, and were seen off of Lowestoft and Yarmouth, and from the Shore of Norfolk.

The Reasons for this different shaping their Course seem these; — The French were by all means possible to avoid the English Shore, lest they should be taken short by the Wind, and might be Embay'd, and consequently Overtaken, having a Superior Force behind them. Also it was not fit for them to be seen before they came to the Firth, that they might not give the Alarm to the English to be ready for them.

On the other Hand, the English made their own Coast, lest the French should fall in there with their Merchants, and sweep the Coast of their Ships: Which had they done, they might indeed have made great Havock.

However it was, these Disadvantages gave the French such a Start of

the English, that they were on the Coast of Scotland two Days before the English Fleet, and had not Heaven blinded their Pilots, so as to miss their Port, they might have put their Design in Execution in Spight of all our Forces.

On Friday March the 12th, they made the Coast of Scotland, but found themselves the Hight of Montrose, about fifteen Leagues to the North of the Mouth of the Firth of Edinburgh, — Here they made Signals, and some Boats going off to them, they were Informed where they were, — then they stood away Southward, and spent all that Day before they got to the Mouth of the Firth.

Now they sent one Ship, viz. the Salisbury, up the Firth, whether it was to make any Signal to their Party, to give Notice of their Coming, Or to get any Intelligence, remains yet Undetermined; — they made the Firth just as the Tide was spent, and were therefore Obligated to spend six Hours more at Anchor, under the Isle of Mail in the Mouth of the Firth, and here, on the fourteenth early in the Morning, they find themselves Overtaken, their Scouts Discovering the English Fleet standing in for the Mouth of the Firth.

Here then, they find their Enterprize at an End, their Moments are gone, in which they might have put their Errand in Execution, — and now they have no more to do, but to make the best of their Way to Sea.

Upon this, therefore they Weigh, and stand away for the North, with all the Sail they can make, and the English Fleet after them.

The Foremost of the English Ships came often within Gunshot of them, but not so many as could stop their Fleet, or bring them to Engage, — but they maintained a Kind of a Running Fight with those of the English that Pursued, in which little Harm was done on either Side, save that in the Night, one of their Ships being the Salisbury, formerly taken from the English, fell in among the English Fleet, and being Surrounded was Taken.

With this Booty, and the French Out-sailing the English, Sir George Bing having Pursued them to the North-east Point of Scotland, Called Buchan-nels, seen them several Leagues to the North of that, and at last lost Sight of them, he returned to the Firth of Edinburgh; And keeping his Fleet in a Sailing Posture, with his Scouts continually Abroad to gain Intelligence of the Enemy, he continued in the Firth till the Begining of April; When the Government having Intelligence that the French were Returned into Dunkirk with their Fleet, Sir George Bing was also Ordered Southward with the English Fleet, and so the whole War on that Side ended.

I come now to speak a little of the Preparations made by the English, by Land, in Order to Meet this New Eruption; supposing the French had Landed, — which indeed was not without Hazard.

In Order to this, such Troops as were at Hand, were immediately Ordered to March Northward, particularly they sent away two Troops of the Queens Horse Guards, the Duke of Northumberland's Regiment of Horse, with the three Regiments of Dragoons of Essex, Raby and Carpenter; besides which, two Regiments of Dragoons, and one Regiment

Regiment of Horse were Ordered to March to the North of Ireland, to be ready there, to be Embark'd on the first Orders.

Of Foot there were Thirteen Battalions then in England sent forwards, including the Queens Guards, and some new Raised not quite Compleat, and Ten Battalions from Holland.

It is to be Noted, That as soon as ever the Certainty of the Design'd Invasion came to the Knowledge of the States, they Ordered Transports immediately to Carry Ten Battalions of British Troops to England, to Assist the Queens Troops there; and when Sir George Bing Pursued the French Fleet, as above, he sent Admiral Baker, with Twelve Men of War into Holland, to bring those Troops away to New Castle upon Tyne, that so being Landed there, they might be ready to joyn the Land Army, and the Ships to joyn the Fleet.

The Forces being thus Appointed, Marched all Northward, but the Rendezvous was Appointed at York; For the Generals knowing the Troops in Scotland to be Weak, and not assured how the People there would behave themselves in general, had Resolved not to March any Troops into Scotland, till the whole Army was Assembled, that they might March in a Body — and to this Purpose the Earl of Leven, with these few Forces he had in Scotland, was Ordered, if he could not Prevent their Landing, to make his Retreat to Berwick.

The Forces when all together, would have Amounted by Computation as follows,

<i>Horse,</i>	
In England	2 Troops of Guards and Horse Grenadiers 500
	Northumberland's Horse ————— 450
	Dragoons three Regiments about ————— 900
<hr/>	
1850	

<i>Foot.</i>	
In Ireland	13 Battalions in England } about — 12000
	10 Battalions from Holland }
In Ireland	Horse and Dragoons about ————— 1000
In Scotland	2 Regiments of Dragoons, very thin, about 400
	1 Troop of Horse Guards and Grenadiers 250

<i>Foot.</i>	
2 Battalions of Guards	} ————— 2000 }
1 Grant	
1 Maitland	
1 Strathnaver.	

So that the whole Army when brought to a Body, was supposed to Amount together as follows,

<i>Horse and Dragoons,</i>	
England	1850
Ireland	1000
Scotland	650
	3500.
<i>Foot,</i>	
England	7000
Holland	5000
Scotland	2000
	14000
In all	17500.

Beside which, the Dutch had prepared a Second Convoy to send Over Twelve Battalions more, if there had been any Occasion.

A Train of Artillery was preparing at the Tower of London, and was in a Good Forwardness, so as it might probably have been at the Rendezvous as soon as the Troops could have well been Drawn together.

I have been the more Particular in this, because I am Drawing every thing to the Reader's View, that he may judge of some Conjectures, I shall make concerning the Probabilities of the Success of this Enterprize, and what might reasonably be supposed to have been the Issue of it, since some People have been so Weak, as to say, It had been Better for us to have let them come on Shore, and that we should immediately have Crusht and Defeated them.

It remains now, to Enquire how the People of Scotland behaved themselves in this Critical Juncture, and what Condition they were in there, to have Received the French.

As to the Condition of Scotland at that Time; it is to be Confest, the French had all the Encouragement imaginable, to make such an Attempt from the Circumstances of the Place, and the Temper of the People: As to the Circumstances of the Place, 'tis Evident that the Country was intirely Naked, and in a manner Defenceless.

The standing Forces were few.

The Militia just in the Middle, between Dissolving the Old Model, and Erecting a New, so as they were absolutely Disbanded without Commissions, without Officers, and without any Form.

The Fortifications out of Repair.

The Magazins Empty.

The New Government Unform'd.

The People Divided.

It must be Confest, Never was Nation in such a Condition to be Invaded ; And there is no Doubt, but had the French Landed their Forces, and got their Stores of Arms and Ammunition on Shore, as they might easily have done, if they had not Overshot their Port — They would with very little Opposition have been Masters of the whole Country.

It may be thought by some remote to my Purpose to Demonstrate this ; But when I consider, what Differing Notions the People in England have of the Attempt of the French, and of their Success in it ; I can not think it an Useless Labour to give you a Brief Essay, at what the Event of that Enterprize might probably have been, — that so we may see what we have to be thankful for.

I am now to suppose the French Safe on Shore, their Magazine and Train of Artillery Landed, and the Earl of Leven the General for Her Majesty, Retreating towards Berwick, as he must undoubtedly have done, — and as his Orders directed him to do —, without which his Retreat being Cut off, he must have been Surrounded and Taken, or have been Cut in Pieces, having no Place of Strength to Retreat to.

Had they been thus on Shore, there is no Doubt, but in two Hours they had been Masters of Edinburgh an open City, and without Defence ; the Castle indeed might have Held Out some Time, but the City could have made no Resistance. — But that which was worse, the Circumstances of the Time was such, and the People were so Divided, that the City must have sent down to Leith to have sought Protection from the French against their own Rabbles, and they must have Desired the French to have Come and Taken them into their Protection, to have Preserved them from Plunder and Confusion.

I think whatever the Reasons of this were, which I desire to bury in Silence, the Fact will be readily granted ; and indeed all Men owned at that Time, that if the French Landed their Forces, they must be Master of the City of Edinburgh without any Opposition.

It is true that I am now but upon Suggestion and meer Supposition, and I do not Affirm positively ; But I leave it to any Man to judge of Probabilities, and whether what I Suggest is Rational or no ; — When the French were thus Possess of Edinburgh, it is very reasonable to Imagine that the first Thing they would have done, was to Proclaim their King : If the Magistrates of the City would not have Agreed to have Performed the Ceremony, the Tolbooth was near at Hand, and the Citizens being Assembled, could soon have Chosen New Magistrates, who would Chearfully have done it —.

Their King being Proclaimed, it seems Rational to Suppose, they should next Summon the Inhabitants to take an Oath of Fidelity to him ; Such as Refused would have their Estates Confiscated, and perhaps be Imprisoned ; and if they got Room to Flee, would have their Houses Plundered.

Being thus Masters of the Capital, and the Queens Troops having Fled or Retreated towards Berwick, the Country exposed to their Power ; I think I make no Trespass on good Manners or Justice, if I say, The Northern High-landers would have been soon Raised by the Influence of their Superiors, who are for the most part Jacobites, — These being in Arms, the Low-Lands are at their Mercy, and they had soon Possess themselves of the whole Country, the Militia being entirely without a Head, and without Order, Unlocked from the former Settlement ; and Unfixt in a New.

Being thus Possess of the Low-Lands, they soon would have been Master of the whole Country ; and indeed there was very Few that Durst show their Faces against them, the Forwardness of One Party, and the Divisions and Disorders of the Other making Way for it, — when they had thus Reduc'd the Low-Lands, they had no more to do, than to call a Convention of Estates, as at the Revolution ; and finding these Fast to their Interest ; The first Laws should be to Rescind the Revolution, Declare the Limited Succession a Visible Rebellion, and an Invasion of the Right of another —, and thus a compleat National Turn should have pass'd upon us —, and the Revolution should suffer a Re-revolution in a few Weeks, for these things would require but little Time : Neither is it Presumption to Suppose, they should have gotten a Representative returned, that would have come into such Measures, since they having the Absolute Possession of the Country, the Influencing them under such Circumstances, to the Choosing such Persons as they should think fit to put upon them was easie enough, — Instances of which have been but too Common in this Island, under a less Tyrannical Power than a French Army.

While they were thus Settling their Civil Government —, Their Military Affairs could not have failed ; the Inclination of the Common People about Edinburgh, and the Influence of the Chiefs and Heads of Clans in the High-Lands, would have soon furnished Men for New Revolutions, — The sixteen Regiments which they brought with them, (so it seems they had determined) should have had two hundred Men added to every Regiment, by way of filling up — five Regiments of Dragoons, and forty Battalions of Foot was to have been Raised immediately — ; The Command of these Troops was to be given to Irish Officers, and of such, they brought great Numbers with them ; save only that the Colonels and some Captains, were to be Chosen of the Superiors or Chiefs where they were Raised, to Encourage the Raising them.

Thus in less than six Weeks, they should have had 30000 Men added to the Troops they brought with them — ; The Money they would have given the High-Land Gentlemen, would Effectually have brought these Gentlemen to Forsake their Party, and Joyn with them, and then the Design would have gone on beyond Expectation.

We are next to Enquire what was to become of the English Preparation all this while ? You have heard what Strength they were of when come together ; But it could not be possible that they could be all brought together, their Magazines furnished ; For the French would have taken Care, they should have Subsisted ill enough in Scotland, Their
Train

Train of Artillery have been come up, and they in Condition to have Marched into Scotland in Battalia, as they must have done, under six Weeks or two Months — ; the Difficulties of the Roads, the Country being at that Time very Deep, and the Carriages Heavy, would have made it very bad, Marching an Army — ; and the Want of Forage would have made it Impracticable to have done it sooner.

All this Time the French and Jacobites in Scotland, would have had, to have Strengthened their New Settlement, form'd their Army, Fortified Leith, and other Places, and have prepared for War.

I shall readily Grant as any Body can desire, That when the English Army came to be ready, and to enter Scotland, they should Beat these New Invaders out of all ; and that they should in Time pay Dear for the Attempt ; But it must be granted, this would have these Consequences withal, 1. That it would have Ruin'd Scotland. 2. Brought the Seat of War home to our own Doors. 3. Cause a Diversion of our Forces, and be an Occasion of withdrawing our Troops from Flanders, where the Enemy felt the greatest Weight of the War —. And 4. Have exceedingly protracted the War : Those Gentlemen that were for having them Land, may Consult these probable Consequences, and they will see whether they have not very good Reason to be sensible of the Happiness of the Disappointment.

I can not but take Notice here, of the Temper of the People of Scotland at this Time ; none will Doubt, but the Minds of Men were variously agitated as their several Tempers, Interest and Party guided them —, Hope on one Side, and Fear on the other Discovered it self in a manner which both Sides would fain have Concealed, nor was there wanting a Party who openly and avowedly, profess their Desires to have the French Land, and their Resolution to joyn with them, and this in so Open, so Rude, and so Threatning a Manner, as gave just Cause of Terror to the Honest Loyal Party on the other Hand, who saw themselves inevitably Ruin'd, if the French Landed, by their own Rabble —, The other Party having openly Threatned and Mark'd out the Houses of such Families as were most Eminent for their Zeal to the Establish'd Government.

It was Expected, and indeed Apprehended very much in England, that those of the Presbyterians, who had before Vigorously Appeared against the Union, and profess their Dislike of it upon all Occasions, would have Appeared against the Government, at this Juncture, and either have joyn'd with the Invaders, or have formed a Third Party, and so have made a Division, which had in its Kind been equally Fatal.

But in this also they were disappointed, for the People who were most warm against the Union, nay even the Western Men who do not own or join with the Church, yet all as one Man declared against joining with French Invaders, Papists, and a Returning Tyranny, which they easily foresaw must be the Consequence of an Invasion ; And therefore laying aside all their Old Animosities, private Grudges, and Cavils at the Union, &c. They unanimously declared their Resolution to stand together,

ther, and with their Lives and Estates to defend the Government and their Country against all the Powers of France and the Pretender; And to this End, they began to form Associations, the Burghers of Edinburgh listed Men, and subscribed, for their Maintenance, some 10, some 20, some more, and in other Places they were preparing to do the like; — the Western Men sent them Word they would come and join with them, if there was Occasion; And in the mean time some of the People called Cameronians made their open Protestation against it.

This was a very great Encouragement to the Government at that Time, when the Vaunts of the other Party run high, and their Hopes were great; But GOD in his Providence prevented the evil Consequences of this Affair, as you have heard: and the good People who had made great Appearances of Unanimity, found themselves delivered another and an easier Way.

It happened very well at this Time, That the Commission of the General Assembly was just set down, and the Ministers seeing the Storm coming, both on the Ecclesiastick, as well as Civil Liberties of the Nation, Religion and Property being visibly struck at together in the Flood of Foreign Destruction, plainly Threatning to swallow up both — appointed a Solemn Fast to be kept over the whole Country.

I shall make no Comments on the Subject Matter of this Fast, the Act of the Commission does sufficiently show the Sense of the Ministers, and in what Manner the Invasion was like to relish among them; and therefore I have Inserted it in this Place, to Record the Temper that appear'd at that Time; and what Hope the Pretender, or his Party had Ground to raise upon the supposed Divisions of the Presbyterians about the Union.

An Abstract of the said Act of the General Assembly is as follows,

At Edinburgh the Fifth of March One Thousand Seven Hundred and Eight Years.

THe Commission of the General Assembly, being sensible of the great Wickedness, and crying Sins of all Sorts, abounding amongst us in this Church; and being in the just Judgment of GOD, Threatned with an Invasion by an Enemy, that hath Implored his Power for the Ruine of that Holy Religion which we Profess, and the Enslaving of Europe; and who designs to set a Popish Pretender upon the Throne of these Nations, to the utter Overthrow of the True Reformed Religion, all our Interests Sacred and Civil, and all that GOD hath graciously wrought for us by the late happy Revolution, and hitherto Preserved to us; and being Sensible of what we owe in Gratitude, to our only Rightful and Lawful SOVEREIGN QUEEN ANNE, do look upon it as our Duty, with a Regard to the Honour of GOD, the Preservation of our Religion, the Quiet of Her Majesties Government, and the Good of our Coun-
try;

The P R E F A C E.

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try, to Humble our selves before the LORD; and to call all Persons in this National Church, to Humiliation, Fasting and Prayer, to turn to GOD in CHRIST our only Propitiation, and to Cry Mightily to Him, that for the Blood of his Son, he would forgive our Grievous Sins, give us a Sound and Understanding Heart, remove our Spiritual Plagues, and to Unite us to GOD, and to one another in him, that he would avert the deserved Wrath from these sinful Lands, in Disappointing the Designs of our Bloody and Cruel Enemies, defeat the threatened Invasion, maintain Peace and Truth amongst us, bless the Gospel with Success, by the Effusion of his Spirit, preserve Her Majesties Person, direct Her Councils, prosper Her Arms by Sea and Land, and bring these Wars to so happy an Issue, as may be for the Relief of our Oppressed Brethren abroad, and the Security of the Protestant Churches.

And the said Commission hereby Appoints the first Thursday of April next, to be Religiously Observed in all the Congregations of this National Church, as a Day of Solemn Fasting, Humiliation and Prayer for the Causes above-mentioned; and Appoints the Ministers of this Church to make Intimation of the Premises, publickly from their Pulpits upon the LORD's Day, immediately preceeding the foresaid Day of Humiliation, and to be more particular in specifying the Sins of these Lands, as they shall see Cause.

This Fast was Approv'd of by the Privy Council, and their Civil Sanction given thereto.

And the Queen in Her Letter to the General Assembly 1708, did shew Her Satisfaction with the Zeal and Affection the Ministers of this Church had shown at that Juncture.

The greatest Part of all the Presbyteries of Scotland, and Synods, Addressed the Queen also on the Subject of the Invasion; and the General Assembly declared their Sentiments thereof, 1st. In their Answer to the Queens Letter. 2ly. In their Address to Her Majesty. And 3ly. In their National Thanksgiving inserted in their Printed Acts, pages 6, 8, 10, 12, 13.

Besides all this, many Parishes drew up Addresses to the Privy Council, shewing their Resolution to venture their Lives and Fortunes in Defence of Her Majesties Person and Government; and Craving Leave to put themselves in a Posture of Defence; and in many Places the Presbyterians did Subscribe for considerable Sums, to be payed when called for, in order to buy Arms, and to maintain Men for the Ends foresaid: Some Burgers in Edinburgh Subscribed to Maintain 30 Men, some 20, some 30, some 20, and some who were Poorer Subscribed for Fewer, and all this was done by the Advice, and with the Allowance of Persons Intrusted in the Government by Her Majesty.

But this is not all, the Seasonableness of this Solemn Fast was

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just

such, and so Serviceable to the Government, being brought out at the very Juncture of Time, when the Eyes both of Friends and Enemies were upon them, that it must be acknowledged, it shewed not only the Zeal of the Presbyterian Ministers for the Queen, the Government and their Establish'd Interest; but it shewed their Wisdom and Prudence in so happily timing an Action of that Determining Consequence, and taking the very Moment of its being most Effectual, as well to Convince the Enemy, that they had nothing to expect that Way, but the whole United Force of the Presbyterians against them — To satisfy the Government and the English Nation, among whom Jealousies of the Contrary had been Industriouslly spread —, that the Presbyterians, one and all would Declare against the Invaders; — as also, to Settle and Determin such among themselves, if any such were, who might be otherwise unfix'd in their Resolutions, and doubtful what Course to take.

Nor was this all, but the Ministers in Scotland, in their respective Parishes, upon the Occasion of the said Fast, applied themselves to the Informing their People, what the real Views, and probable Consequences of this Attempt were, what was Threatned to their Church, to their Establish'd Religion, to their Liberties, to their Protestant Succession, and to the Revolution; How, whatever the specious Pretences of Preserving the Establish'd Church might be, Popery in Principle, and Tyranny in Practice were certainly Incompatible with the Protestant Establishment of Scotland, which was Founded in Liberty, Depended upon Law, and could not Subsist, humanly speaking, but upon the supported Basis of Law and Liberty together; That the Invasion was a Visible Appearance of French and Popish Tyranny, the same that for twenty eight Years, had Influenced the Councils and Governments of Scotland, while they Trampled on the Church of Scotland, Silenc'd their preaching Ministry, Persecuted and barbarously Murdered their Innocent Brethren, and bid Defiance to the Laws of GOD, and the Liberties of Scotland; that these Days would inevitably return upon them, and that all the Miseries they had formerly felt, were Effectually contain'd in the Womb of an Invasion.

By this Method the Ministers opened the Eyes of the whole Nation, and the People, Rous'd by this happy Vigour in their Clergy, began to stir every where; Immediately a new Face appear'd upon the Publick Affairs, the General Dejection and Hesitation, which seemed before to make the People look Dark and Unresolved, was quite Removed, and nothing was to be seen among the Presbyterian Party of the People, — but Associations, Addresses, Preparations for Fighting, fitting up their Arms, and a Chearful resolved Temper of Fighting the French where-ever they were to be found.

Some of the Ministers themselves were so Vigorous in this, that they Caused their whole Parishes to Associate and Bind themselves, One to another, and all together to the Government, to stand as one Man against the Invaders.

The Service this did the Government, the Encouragement it gave
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in England, and the Discouragement it gave to the Jacobite Party at that Juncture, was such, at the last especially will not easily forget; — and I thought it very Useful to Transmit the Memory of it thus to Posterity, that they may know how their Ancestors Acted in this Great Affair, and how they ought to Act on the like Occasions.

In the Posture the Affairs of this Island stood, when the French baffled by the immediate Hand of GOD's Providence, in missing their Port, were pursued by the English Fleet, and made their Escape by the Goodness of their Sails to Dunkirk, where their Troops were put on Shore, and so the Expedition ended.

The ten Battalions which came from Holland to New-Castle were not at all landed, but went immediately back, and were in the Field again Time enough to show themselves in the First of the Campaign. — The English Troops march'd back without entering into Scotland; The Prisoners taken on Board the Salisbury were brought to Hull, and treated as Prisoners of War, in Order to be sent over to Holland for Exchange.

The Lord Griffin, with the two Sons of the Earl of Middleton, and 15 Irish reform'd Officers were carry'd to London; The three first were committed to the Tower, and the Irish to Newgate, being to be Tryed, as Traitors, against the QUEEN, whose natural born Subjects they appeared to be.

The Lord Griffin having been formerly attainted and outlaw'd, it need-ed not that he should be brought to any Tryal: but, being carryed up to the QUEEN's Bench Bar he received Sentence of Death on the Foot of the said Outlawry, without any Tryal; — However, the Dauphin of France having writ a particular Letter in his Behalf, to the Duke of Marlborough to intreat the QUEEN's Mercy to him, and that he (the Dauphin) made it his Request to the Queen, the Lord Griffin being his Servant; — The said Lord Griffin was reprieved from Time to Time, and is yet living in the Tower, at the publishing these Sheets.

The Irish Officers also, and the Lord Middleton's Sons remain yet Prisoners.

On the other Hand, Great Heats and Disputes happened about the Gentlemen who were taken up upon Suspicion. —

The Parliament, in the Heat of the Alarm, had passed a Bill suspending the Habeas Corpus Act for a Time, so far as should concern the Persons apprehended on this Account, and empowering the Queen to take up, and keep in Prison, such Persons as there should be Ground to suspect, were guilty of Confederating with, or Encouraging the Invaders.

Had the Gentlemen concerned, been apprehended in any other Juncture, they would perhaps have had no other Trouble than to have lyen still, and when the Thing had been over, have been released again, as was done at that Time in Ireland.

But the Fury of our Divisions on either Hand run so high, that this could not be: Some thought the Persons taken up had more Heart in the Invasion than appeared, and that they ought not too lightly to be let go,

lest it might encourage both them and others to make the like Attempt a gain.

And these were very warm for Prosecutions, and for proposing Rewards to encourage Persons to come in to charge the Prisoners: — And would have all Manner of Methods tryed to fasten something upon them.

Others again Inveighed against the Ministry in Scotland, as having partial and Party-Regards in the picking out such or such Persons to put in Prison, on Pretence of this Suspicion, as might gratifie the private Designs of particular Persons, either as to Private Picks and Personal Revenge, or to prejudice their Interests in Elections, there being a new Parliament then to be chosen.

These Contentions, however grounded on either Side, had certainly this Effect, that they gave a great deal of Trouble to the Prisoners, which otherwise might have been avoided; For the Ministry seeing such pointing at probable Guilt on one Hand, and such Complaints of Injustice on the other, found it necessary to make the Proceedings more formal, and to have all the Gentlemen up to London, — That they might either be prosecuted, or let out upon Bail: as the Council should direct.

Upon their coming up to London, they were all admitted to Bail, except Four who were committed to Prison, and were after sent to Scotland to be Tryed; but these however were acquitted, the Lords of the Justiciary and Her Majesties Advocate differing upon some Forms; particularly, the Lords refusing to admit the Lord Advocate to produce more Witnesses — after the first Day of Tryal.

It is not my Business to enter into this Dispute, otherwise I could be more large on this Head: — But the Government was so sensible of the Inconveniencies of the old Method of prosecuting upon Treason, from this Nicety, that presently upon this the Parliament resolved to bring in a Bill to make the Laws for Tryals, in Cases of Treason, the same in Scotland as in England.

From this Period is also to be dated the Distractions which followed in the Affair of Religion, and of which I think it is very material to speak, because they have made a great Noise in the World, and every one is not rightly apprised of the Thing — particularly many have entertained Prejudices against the good People in Scotland, as if they had been acted by a Spirit of Passion and Persecution, when indeed, upon a full and clear Examination of the Matter of Fact, the contrary will evidently appear; And therefore I could not satisfy my self without doing this Piece of Justice to the Church and People of Scotland, — as to give an impartial Relation of the Fact, as it is attested out of the publick Registers, by the proper Officers: and being myself an Eye and Ear-Witness to every part of the Proceeding.

About the End of February 1703, Her Majesty by Her Letter to the Privy Council in Scotland, gave Notice of the intended Invasion, back'd with a French Power, design'd against Scotland; recommending to them the Security of the Kingdom, the Preservation of the Publick Peace, and that they would use all possible Means to that Effect.

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The Privy Council taking this Affair into their Consideration, it naturally occur'd ; That to discourage the Enemies of the Government at Home, was among others, one of the best Steps to prevent the mischievous Consequences of an Invasion from Abroad ; and in order to this, that it was reasonable to suppress the publick Meetings of those, who under pretence of Divine Worship, admitted such Ministers to officiate, as the Law in that Case had prohibited, having not qualified themselves by taking the Oaths, praying for the QUEEN, &c. by which the Publick Disaffection was upheld and encourag'd.

It was then agreed to Nemine Contradicente, in the Privy-Council ; and for the Truth of which we refer our Reader to the Minutes of the Council for Proof ; That Orders should be Issued out to all inferiour Magistrates, to put this Resolve in Execution ; and Orders were accordingly Issued out to the Magistrates of Edinburgh for that Purpose, who thereupon Legally called before them several Ministers or Preachers, who were known to keep Publick Meeting-Houses within their Bounds — Asking them plainly in Terms of Law, If they prayed for Her Majesty NOMINATIM, in their Publick Meeting-Houses ; and if they had qualified themselves by taking the Oath of Allegiance, and subscribing the same with the Assurance, as the Law requir'd ?

Some of them answer'd directly, but others avoiding the Question, requir'd a Legal Tryal, by way of Libel and Proof ; which was accordingly Appointed, and whereof the precise Points were, their not taking the Oath of Allegiance, and subscribing the same with the Assurance ; their not praying for Her Majesty NOMINATIM, as the Law requires ; and their not observing Publick Fasts and Thanksgivings ; all which were Notour, and being Negatives proved themselves.

To this Libel the foresaid Preachers made Answers, and also took a Protest, That they were not legally cited, not being call'd either on fifteen Days as the old Law requires, or on ten Days, as the late Act of Parliament against Intruders prescribes.

To which it was Answered, That as to the fifteen Days, the known and perpetual Custom within Burgh had over-ruled it to twenty four Hours ; and as to the ten Days, they were only appointed in the Tryal of Intruders. But the Preachers call'd, being conven'd for notour Disaffection by not Praying, and by not taking the Oath of Allegiance, nor keeping Fasts and Thanksgivings, the Citations were good, and the Procedure unquestionable ; and yet the Magistrates thought fit to give them a farther Indulgence, and to allow them to give in all their Defences.

The Sum of which Defences, as contain'd in a Representation exhibit by the said Preachers, being first the foresaid Dilators to this, they added, That by the Act of Parliament 1693, Requiring all Ministers and Preachers to take the Oath of Allegiance, It is provided, that the Contraveener shall be Punish'd by Banishment, or otherways as the Privy-Council should think fit, and therefore the Libel was improperly tabled before the Magistrates.

It was Answer'd, To the first Dilators, that the former Answers were repeated ; and to the second, That the Privy-Council having refer'd

refer'd the Execution to the Magistrates, there could be no more Debate about their Competency on that Head.

But then they went on to Object against the Relevancy. And as to the Act of the Convention, Ordaining all Ministers to Pray for the KING and QUEEN Nominatim, They Answer'd, That that Act did die and expire with King WILLIAM and Queen MARY. And as to the Act 1693, Ordaining all Preachers to take the Oath of Allegiance, and Sign the same with the Assurance; They Answer'd, First, That that Act did only concern Ministers provided to Benefices and Stipends; and could not be extended to such Preachers, as enjoy no Benefice under the Government; And Secondly, The Act Recognizing Her Majesty Queen ANNE, enjoyns the Taking of the Oath of Allegiance, &c. to such as are in publick Trust, and Preachers not benefic'd cannot be said to be in any publick Trust; And Thirdly, The Act of Parliament 1693, limited to the Persons of King WILLIAM and Queen MARY, is out of Doors with them.

To which it was Reply'd, That the Act of Convention, Ordaining all Ministers and Preachers to Pray for the KING and QUEEN Nominatim, is certainly to be understood likewise, of all their Royal Successors, specially since it is so plainly founded upon the Command of the Apostle, and the Duties of all Subjects. Secondly, The Act 1693, expressly relates to all Preachers, whether Benefic'd or not, and withal defines all Preachers to be Persons in publick Trust; so that the Act recognizing Her Majesty did exactly fall within it, and affords no Relief to the Defenders. And Thirdly, The Act 1693, tho' it mention King WILLIAM and Queen MARY, yet is not limited to them, but being a perpetual Law, extends to all their Royal Successors; Likewise by the said Act recognizing Her Majesty, it is de facto so extended.

Which Defences and Replies being Read and Considered by the Magistrates, they repell'd the Dilators, as also all the other Defences proponed for the Defenders, and found, that since they had not Pray'd for Her Majesty Queen ANNE, Nominatim, and taken the Oath of Allegiance, &c. they had incur'd the Pains of Law, and therefore Ordain'd them, and every one of them, to desist from keeping of any Meeting-Houses within the City of Edinburgh, and Liberties thereof, and from Preaching or Exercising any Part of the Ministerial Function within the same in Time coming, under the Pain of Imprisonment, and to find Caution for that Effect betwixt and the 30th Day of March then instant, and in the mean Time that their Meeting-Houses, be forthwith shut up. But tho' this Sentence was then pass'd, yet nothing follow'd upon it, until that the Privy-Council of Scotland being determin'd by an Act of Parliament, after the 1st of May, these Disaffected People judging, that the Councils Orders were also annul'd with the Council that gave them, did about the 20th of June fall again to their Preaching, and enter'd their Meeting-Houses. And further they resolv'd among themselves, that they would continue to Preach and not Desist; which mov'd the Magistrates to renew the former Prohibition about the said 20th of June last, which they still Neglecting

Neglecting and Despising, they were again call'd before the Magistrates about the 16th of July, and requir'd to find Caution or Bail to Desist, as being the known legal Execution upon such prohibitory Sentences, or otherways to go to Prison. But they still refusing to obey, the Magistrates thought fit on the 13th to send Five only to Prison, which Five were also at length reliev'd; so indulgent were the Magistrates in this Matter.

This whole Trial, and all the Steps thereof, being transmitted to Her Majesty, it pleased Her Majesty by Her Royal Letters under Her Hand and Seal of the 18th of September last, to approve what was done by the Magistrates of Edinburgh in the said Matter, as acceptable Service; and further to judge it necessary for the Safety of Her Royal Person and Government, that all such Meeting-Houses in every other Place should be shut up.

Thus far the Matter of Fact.

It is most true, that in this first Prosecution, there was no other or further Design, than the giving a Check to the Invasion, and to the Insolence of some of the non jurant Party, who at that Time began to be more formidable in Scotland than in England; and this is apparent in the Lenity and Forbearance of the Magistrates and Justices of the Peace in Scotland, who as soon as the Invasion was over, and the Danger from abroad seem'd at an End, were very easy with them again, the Ministers who had been Confined were silently let go, and their former Liberty conniv'd at again; so that their Meetings became as frequent as they were before, notwithstanding they still refused to take the Oaths, or Pray for the QUEEN.

But here it began to appear, that there were some among those People, who had other Aims in these things, than merely the Liberty of their Consciences, and the Worshipping GOD —; and that something ought to be attempted to make the People Uneasy, and to bring them by Force to Prosecute and Attack them.

And to this End, since refusing the Oaths, since refusing to Pray for the QUEEN, nay actually praying for the PRETENDER, would not provoke the Government, and Magistrates in Scotland to Persecute —; They find out another Expedient, which they are assured will not fail, being what they know the Scots will not bear, what ever it Cost them; and this was Erecting the Common Prayer or English Liturgy in Scotland.

The People that made this Attempt, behoved to get some Body to do it; that however Jacobite he might be in Principle, was yet Latitudinarian enough in Conscience, that he could swallow all the Oaths which should be offered to him —; Indeed some of the Jacobite Clergy were so honest, that as they would not take the Oaths, so they did not approve of this Attempt, but openly Disavowed it —; Nor had the Episcopal People in Scotland ever set up the English Liturgy, altho they had Reign'd in Scotland for twenty eight Years together, before the Revolution.

But the Design being concerted, they found a Tool; a poor Curate of 15 lib. a Year in Ireland, but born in Scotland, comes over to

Edinburgh to mend his Commons; and having taken the Oaths, he falls in with this Party, who finding him a Person of prostituted Morals, a large Stock in the Face, and ready, if well-paid, to do their Work, they promise him Four-score Pound a Year, and accordingly begin a Subscription for it.

Some English Gentlemen had, it seems, promised him some Encouragement towards that Sum to be raised —, and this they make a Handle of presently, and Reported that this was set up to Accommodate the English Strangers who could not Conform to the Presbyterian Church.

But the English Gentlemen seeing into the Design, and that they were to be made a Property to Embroil the Government, and foment a Division between the Two lately United Nations; They soon abandoned him and his Design —; However, he resolved to put his Project in Execution, and accordingly takes a House just at the Cross in Edinburgh, fits it out for a Chapel, and begins to Read the English Service.

The People, as every Body knew they would, immediately took Fire at the thing —; But not doing him the Honour to Rabble him, which seem'd to be what his Party expected; they Complain to the Magistrates —; The Person that had let him the House, finding what Use he was putting it to, began with him, and on Pretence of his having made some Spoil in pulling down Partitions, &c. not Authorized by his Contract —, Gets him Turn'd out of the House, and so he betakes himself to a Place less publick, but still goes on with his Service-Book Worship; However it gave less Offence here, the other seeming to be a Defiance of the Laws; It happened at this Time, or in a few Days after, that the Commission of the General Assembly was to meet —, as soon as they sat down, a Representation or Address is made to them by the Inhabitants of Edinburgh and other Places against this thing; The Paper mentions other Complaints indeed, but this was the Main Thing aim'd at —: The Address is as follows.

Unto the very Reverend and Honourable, The Commission of the late General Assembly of the Church of Scotland.

We the Neighbourhood of the Town of Edinburgh, and Suburbs Under-Subscribers, Do most Humbly Represent,

THat notwithstanding the many Good Laws and Acts of Parliament, and particularly the Act 6 and 7 Par. 1707, made for the Settlement and Security of this National Church, and against all Incroachments upon her Rights and Privileges, or Innovations in her Doctrine, Worship, Discipline or Government; And of Her Majesty's repeated Assurances in Her Royal Proclamations, Letters to Her Privy Council, and the General Assemblies of this Church, to Maintain and Defend the same in its present Establishment, against all such unlawful Intrusions, Incroachments, and Innovations, particularly Her Majesty's

ties Proclamations against unlawful Intruders into Churches and Manſes in Scotland, Dated Sept. 20th 1708.

Yet to our very great Surprise, ſeveral of the Episcopall Clergy, Prompted and Inſtigated thereunto by the Jacobite Party, who are equally Diſaffected to the Civil as to the Eccleſiaſtical Conſtitution, have of late, not only Erected Meeting Houſes in this City after the Scots Episcopall Way, But alſo in ſeveral Places here, have ſet up the Engliſh Service, which as it is Contrair to our Eſtabliſhment, and very Grievous and Offenſive to us, and all others who are well Affected to Her Maſteſty, and the Preſent Eſtabliſhment; ſo it will prove of Fatal and Dangerous Conſequence to the Church, if not ſpeedily Remedied.

It would be Conſidered in the firſt Place, That ſeveral of ſuch as preach in theſe Meeting Houſes, are known not only to be Unſound in their Judgments; But alſo Scandalous and Immoral in their Lives and Practices: And however they may pretend to be Qualified according to Law; Yet if they were not Secret and Heart Enemies to Her Maſteſty, and the preſent Government, they would never ſell themſelves Tools to a Jacobite Party, for carrying on their wicked and pernicious Deſigns.

2ly. They cannot pretend it to be a Matter of Conſcience, in ſetting up of the Engliſh Service here, for Abſtracting from Preſbyterians, even the Body and Bulk of the Episcopall Perſwaſion in Scotland, have never been Fond of the Engliſh Way of Worſhip; But upon many Occaſions have Teſtified their Diſlike of the ſame, and none of them Scruple to Joyn in Communion with this Church, but ſuch as are either openly prophane, and will not Subject to Church Diſcipline, or avowed Jacobites. And therefore,

3ly. We conceive, that by theſe Illegal and Unwarrantable Incroachments, Intruſions and Innovations, they deſign no leſs than the Ruine of both Church and State; for as the ſetting up of the Engliſh Service here, did in former Times breed much Trouble and Confuſion in this Church and Nation, ſo at preſent it does Raiſe and Foment Jealouſies and Heart-burnings in the Minds of People, otherwiſe Zealouſly Affected to Her Maſteſties Perſon and Government, and exceedingly Widens the Breach betwixt us, and the ſeparating Parties on both Hands; And the Inſtigators to, and Abettors of theſe Practices are in big Hopes, and not without too good and evident Grounds, that this will prove an effectual Mean of Alienating the Hearts and Affections of many of our Queens beſt and moſt Loyal Subjects from Her Maſteſties Perſon, and the preſent Eſtabliſhment, and that by this Means they ſhall effectually Wound & Weaken the Church on both Sides, and alſo Ruine the Civil Government.

We muſt alſo humbly Reſent, That albeit we have many Good and laudable Laws and Acts of Parliament againſt Popery and Papiſts, Their Trafficking and Preaching in Scotland, particularly againſt their Teaching of any Science, Art and Exerciſe within the ſame, and againſt all Irreligion and Blaſphemies, yet Papiſts do Openly and Avowedly Teach and Practiſe even within the City of Edinburgh, and Suburbs; And now alſo, a Prophane and Deluded Crew of Enthuſiaſts are ſet up in this Place, who under Pretence to the Spirit of Prophecy, do utter moſt horrid Blaſphemies againſt the Ever Glorious TRINITY, ſuch as ought not to be Suffered in any Chriſtian Church, or Nation, ſeing this ſtrikes at the very Root and Vitals of all Religion, and is ſet on Foot of Satan to Confound (if poſſible) all ſolid Thoughts of a DEITY amongſt us.

We have for Brevities ſake, Reſented but Few of the Many Inconveniencies, that will certainly follow the Suffering of ſuch Practices, And do judge it our Duty, in all Humility to lay them before the Reverend Comiſſion, ſeing you are ſet by the Church of Scotland, upon

the Watch Tower to Advert, that the Interest of JESUS CHRIST, and the present Establishment of this Church, do not Suffer or Sustain any Prejudice which you can Prevent; Particularly to take special Care to Keep and Maintain Unity in the Church upon all Emergents; And to see the due Execution of the Acts of Assembly, which are very plain and Express against such Innovations in the Worship of GOD, Particularly the Act 15 General Assembly 1707. And therefore, humbly and earnestly Beg and Entreat, That as you Tender the Glory of GOD, the Peace and Unity of this Church, and the Quiet and Safety of Her Majesty's Government, you would use your Outmost Endeavours for Suppressing and Crushing such Intolerable and Pernicious Practices and Designs in the Bud.

And your Supplicants shall ever Pray, &c.

This Address was Signed in less than three Hours, by between Two and Three Hundred People; the like Address came from Haddington, and the like were preparing almost all over the Kingdom —, but this having an immediate Answer in the Application of the Commission of the Assembly to the Remedy, the other Addresses were laid by.

For the Commission of the Assembly immediately fell upon the Work, and pass an Act, in which among other things, they Asserted the Legal Establishment of their Church by the Revolution, by subsequent Laws, and those Laws, receiving the General Sanction of the Union —, against all Manner of Innovation; in just Execution of which Laws, they referr'd it to the Respective Judicatories of the Church, such as Kirk Sessions, or Presbyteries, to Proceed forthwith against such Innovations, or Innovators as should be found in their Respective Bounds.

In the Consequence of this Act, the Kirk Session of the North-east Parish of Edinburgh, called commonly the College Kirk, presented this New come Innovator to the Presbytery of Edinburgh, who accordingly Cited him before them.

I shall only give a Summary of their Proceedings against him, for it is not their Form of Proceeding, but the Nature of the Thing that seems to call for this prefatory Narration. It is to be Observed, that the Presbytery did not Proceed against him upon the Subject of Innovation, or his having set up the Common-Prayer — at all, nor was it once Mentioned to him, or in the Sentence of the Presbytery —; But they first Demanded Who he was, whence he Came, and what Authority he had to Execute the Office of a Minister, and not being able to produce any Legal Ordination, or Ministerial Induction, except from the Exauctorate Deposed Bishops, to whom neither by the Church of Scotland's Constitution, or by the Episcopal Church of England's Constitution, any such Power or Office remained —; they Proceeded to their Sentence against him, Declaring him Uncapable to Exercise any Part of the Ministerial Function in their Bounds.

He Declined their Authority, Treated them with Contempt, Refused to Appear at their Subsequent Citation —, they took no farther Notice of him, but sent a Copy of their Sentence to the Magistrates of

of Edinburgh, in order to the Civil Power putting it in Execution.

In Pursuance of this Sentence, the Magistrates send for him, and giving him Intimation of the Sentence of the Presbytery, they give Notice that he do not presume to Preach any more within the Bounds of the City, on Pain of Imprisonment, & gave him time to show his Obedience to their Order: He carries himself with the same Haughtiness to the Magistrates, tells them positively, That he would not obey them, and accordingly the next Sabbath he Preaches openly in the City; nor yet would the Magistrates have Committed him, had he not insolently triumphed in his Contempt of their Authority, appeared openly at the Cross, to let them see that Contempt, and by all the Methods possible to him, insulted them in the Affair of their Sentence.

This brought the Magistrates to an absolute Necessity to Commit him, in Vindication of their Authority, and that they might not give their own Consent to be Trampled on by the whole Party, accordingly they sent for him again, and still offering him his Liberty, upon Obedience to their former Order, and the Sentence of the Presbytery which he insultingly refused, they committed him to the Tolbooth of Edinburgh.

It were very little worth while, to fill this Preface with the Story of this Person, were it not the Occasion of bringing upon the Stage Debates of several kinds, which it seems necessary to set in a clear Light to the World, in the Misrepresenting which, the Church as well as People of Scotland really receive much Wrong, to whom, I think, it is the Duty of an honest Man, as well as of a faithful Historian, to do Justice.

The Cases are such as these,

Whether the Scots in these Prosecutions are not Persecutors for Conscience?

Whether the Episcopal Deposed Clergy, have yet a Right to Ordain Ministers?

Whether the Episcopal Church of Scotland, and the establish'd Church of England are at all of Kin, or no?

Whether Toleration of Episcopacy, and the English Liturgy can be established in Scotland, or no?

I shall say something to all these, so far as Matter of Fact and a Historical Narration requires, and something by Observation, as far as the Civil Rights of Scotland are concerned, and thus far I think they are proper to be spoken to by Way of Preface: As to the Theological part of the Dispute, I shall have occasion to handle it elsewhere, neither can it be reasonable to expect it here.

In taking Notice of the first of these Queries, Whether the Scots in these Prosecutions are not Persecutors for Conscience?

It may be alledged, That all Prosecutions of Law, where the Offender pleads Conscience against his Obedience, are Persecutions for Conscience—; And if this be brought by Way of Argument in this Case, then my Answer is very brief; The Scots, and with them all the Christian Nations in the World;

but especially the Church of England, are Persecutors, and without Question ought to be so.

But if you will restrict the Term *Persecution*, to the generally received Sense of it, viz. Disturbing, Prosecuting, and Pursuing the peaceable Exercise of Religious Worship, perform'd meetly in Obedience to the Dictates and Commands of Conscience — : Then I may safely challenge all the World in Behalf of the People of Scotland, to shew the least Vestige or Appearance of *Persecution* among them.

I think, while I am in this Argument, Addressing my self principally to the People of England, and among them to the Church of England —, I can do nothing better, than bring their own Practice to a Parallel with the Church of Scotland, as a strong and convincing Way of arguing, to them especially, in the Case I am upon; And First, I take the Authority of the Parliament of England against Persecution, in the great Act for Settlement of the Toleration, where it is said, Whereas it is reasonable, that all just Tenderness should be shown to Tender Consciences, &c. Then in the Preamble of the late famous Occasional Bill, are these words, "Whereas Persecution for Conscience sake, is contrary to the Principles of the Christian Religion, and the Doctrine of the Church of England. Take these two, and compare them with the Act 1. WILLIAM and MARY Cap. —. By which all those Ecclesiasticks who would not take the Oaths, are Deposed and Deprived ab Officio & Beneficio; and it will necessarily follow, at least in my Opinion, that either the Church of England in Deposing the Non Jurant Clergy in England, acts contrary to her own Doctrine and the Principles of the Christian Religion, ut supra: OR, That Deposing and Depriving the Non Jurant Bishops, &c. is not Persecution for Conscience.

I humbly refer this to the Determination of all that shall Read impartially, if it be not clear and fairly stated.

If then Deposing and Depriving the Clergy of the Church of England in England, who refuse to take the Oaths to the Government, be not Persecution, it remains for the other Party to prove, that the same thing in Scotland can be called Persecution, and in England no Persecution.

The Deposing Episcopacy it self in Scotland, seems to come in Question here, and would require a long Discourse —, But as I am speaking chiefly to the Church of England in this Case, I am very willing to make her a Judge —, and I presume it will be arguing ad hominem, to say, tho' I do not lay the Stress here neither.

That Deposing Episcopacy in Scotland, and Deposing Popery in England, stand in many Cases upon the same Foot —, and the Church of Scotland has offered little or no Violence to the Episcopal Church in Scotland; But what the Church of England has offered to the Roman Catholicks in England — : Now tho' in General this would be no Argument, yet 'tis a Reason in this Case, why the Church of England, above all other, ought not to charge the Church of Scotland with Persecution in that particular —. But to go further, the Church of Scotland did not immediately pull down Episcopacy —,

I mean

I mean, the Church abstractly considered in her Ecclesiastical Circumstances — ; But it was done by the Government of Scotland, the Body of the People, I mean the Parliament before the Presbyterian Church was Established —. And it is evident by the Claim of Right, that Episcopacy was turn'd out of Scotland, not as a thing Establish'd, but as an Intruder upon the Established Religion, which Scotland had from the very Reformation Embrac'd, which they had Sworn in their National Covenant to maintain, and which by Law it was their Right to restore ; in short Episcopacy was turn'd out as a Man who has had his Estate taken from him by Oppression, recovers his Right by Law, and then Dispossesses the wrongful Incroacher or Invader, and enters upon his own.

Universal History will allow, That the Scots Reform'd first into the Geneva Model, by the Agency of the famous John Knox and others, and that they had no Episcopacy in their first Establishment at all; nor can all the Labour that has been spent to make the Superintendents, who were sent into the several Parts of the Kingdom, to settle Ecclesiastick Affairs, look like Bishops —, for this will for ever supercede that Suggestion, viz. That these Superintendents, tho' Vested with Power over the Ministers they went to Visit —, yet received that Power from, and exercised it in Subordination to the General Assembly of the Presbyterian Church —, and were often called to an Account, Censured, and Removed by the Synods, nay and some say, even by private Presbyteries, See Calderwood's History of the Church of Scotland Fol.

Episcopacy in Scotland being thus supposed an Invader and Spoiler, the Revolution did no more than take from them their usurped Authority, cause them to Disgorge what they had most unjustly devour'd, and the Invader having thus been turned out, the right Owners of the House came again, and took Possession of their own; And this can by no means be called Persecution.

My second Enquiry is upon a new Dispute, and I think admits of no Difficulties in Matters of Law, whatever it may in Matters of Conscience — viz. Whether the Deposed Exauctorate Bishops have Power left to Ordain Ministers — ? Indeed the Question seems rather to ly here, Whether such Preachers as shall be Licensed or Ordained by the Exauctorate Bishops, ought to be esteem'd as Ministers, especially in that Church which has so Deposed them — ? This being the present Debate, it rather respects the Civil than Ecclesiastick Part of the Question.

It seems to me highly absurd, that the Church of England should receive as a Minister among them, a Man Ordain'd BY HIM WHOM they will not own or receive as a Minister of their Church ; for if the Bishop after Deprivation shall Ordain Ministers, how then is that Bishop Deprived AB OFFICIO — ? Nor indeed do I know that the Church of England has at all admitted this Absurdity among them — ; The thing is only started in Scotland to beget new Broils on that Head, and it seems still more absurd, that the Non Jurant Bishops in Scotland should have Power to Ordain a Minister of the Church of England.

But to support this Absurdity, a worse is started among us, viz. That the Episcopal Church of Scotland is Incorporated into the Church of

England by the UNION, and this is the Reason of my Third Enquiry.

3. Whether the *Episcopal Church* of Scotland, and the present *Establish'd Church* of England, are at all of Kin, or no?

This Enquiry, if it be directly Trac'd, will lead to a New Question, viz. What is to be Meant by the Church of England? I mean in this Question onely —, and therefore I shall Answer it both Ways very briefly.

If by the Church of England we mean, The Church as now Establish'd, or rather Recognized by the Revolution —, and now Receiv'd and Acknowledged by the QUEEN and Parliament; Then indeed this pretended Incorporation, is an Absurdity —, and there is no more any such thing, than there is an Incorporation between GOD and Baal; for the Church of England so Understood has spued the other out as Illegal, has Rejected Her as Jacobite, and has Joyn'd in and Consented to by the UNION, the Establishment of the Presbyterian Church in her Stead, and upon her Ruines, as the True Protestant Religion, and Establish'd National Church of Scotland, vide the Act of UNION, and from this Stipulation, she (the Church of England) her self, can not go back —; But if on the other Hand, by the Church of England, is to be understood the Dodwellian-Jacobite-Faction of the Church, who refuse to own either the Religious or Civil Establishment now Reigning in Britain, esteeming the QUEEN an Usurper, the Revolution a Rebellion, and the Church of England Schismatical —, if thus they Understand the Church of England, then they and the Episcopal Church of Scotland, may for ought I know, be Incorporated into each other, and may be esteemed One Body —; and they are welcome to be so accounted: But how this is done by the Union, remains for those Gentlemen who pretend to it to make Out.

I think, I need not Descend to many Arguments in this Case, the Case is evident, the Episcopal Church in Scotland being entirely Jacobite at this Time, can not be said to Incorporate with the Church of England, who Acknowledge Queen ANNE, because they Reject Her as Schismatical and Apostate —, and that they can Reject Her, and be Incorporated into Her at the same Time, seems Impracticable and Absurd.

It remains to Enquire, whether Episcopacy and the English Liturgy may not be Tolerated in Scotland —; and here I shall wave the various Arguments about the Necessity and Obligation which lyes on all Christians to pay Reverence to Conscience, and in Order to give all possible Liberty to Religious Opinions —; but I shall lay the Stress of my present Arguing another way.

First, Speaking of Scotland, we are to Distinguish between Tolerating of Episcopacy, and Tolerating of Jacobitism —, and if this be Distinguished right here, we shall have little need of the Question at all —; And in the Name of the Scots, I may very well say to the Church of England —, Gentlemen, when you please to Tolerate Jacobitism by Law in England, we will Consider of Tolerating Episcopacy

Episcopacy in Scotland —, and this way of Arguing seems very just, because if you please to Abstract Jacobitism from Episcopacy in Scotland, you will leave no Episcopacy there, but what is already Tolerated by Law —, viz. by the Act the first Parliament WILLIAM and MARY, which Ordained that all those Episcopal Ministers who would take the Oaths should Continue in their Churches —, and there they remain to this Day, a kind of Toleration much Superior to that in England, for these Enjoy the Presbyterian Stipends and Manfes —, and in some of their Parishes the Establishd Church Ministers Preach by them in Meeting Houses to this Hour, as Mr. Ponton in Kinghorn, and others, if the Church of England will not call this Toleration, they will find it hard to tell us what is Toleration.

The Champions of this Toleration Project, finding this Argument turned too Hard upon them —, have set up a New One —, and which therefore I have added in the Question, and this is about Tolerating the Common-Prayer Book in Scotland —, and this brings a New Dispute upon the Stage —, a Dispute that seems to have more Policy than Religion in it, and I doubt not but it will soon be Detected.

That this is not a Case of Conscience, but a Party Trick to Embroil, will appear, if we Consider two or three Things.

1. That for twenty eight Years preceeding the Revolution, when the Episcopal Church was (humanely speaking) Triumphant in Scotland, they never admitted of the English Liturgy among them; nor was it ever Attempted for 100 Years before, but once by Arch-bishop Laud and his Party, which Attempt was the Overthrow of all the Contrivers, and it is more than Probable may be so again, if they go on with it; This proves it is not any part of the Profession of the Episcopal Church of Scotland —, and therefore can not be said to be Demanded in behalf of Conscience.

2. From the Revolution to the Time of the Union, during which Time the Episcopal non-jurant Clergy in Scotland, have Erected several Meetings or Conventicles of their Party for Religious Worship —, they have had very little Thought of the English Liturgy, — but what of it is come among them, is a meer Innovation thrust in upon them by the Artifice of a Party, in part to claim Kindred of the Church of England, and partly to Inflame and Enrage the People of Scotland, who they know are Averse to it.

3. At this Time, while the Leaders of the Party are Imposing this upon the Church and People of Scotland —; They have some Difficulty to make their own People Agree to, and Espouse it —, the thing is so far from being Desired by the People in Scotland, that even these who frequent their Meetings, that are Episcopal in Religious Principles, and Jacobite in Politick Principles, yet Shun the Liturgy, Dislike it —, and are with Difficulty and Reluctance brought to bear it; nay in most Parts they will not Comply with it, but Abandon those that Read it, and Throng after those Episcopal Ministers that Decline it.

These are Sufficient to make it appear, that the Attempt of Erecting the Common Prayer-Book in Scotland, is not founded in the Consciences of the People —, That it is a Politick Design to carry on a Party Interest among us in England, and Embroil, if possible, the People of Scotland with the Government, is evident from the last Head, that they are at Pains to bring their own People to Espouse it, which if it were not to Serve their Civil Interest, it will be hard to Suggest on what Foundation they make the Attempt.

But I come next to Enquire into the Civil Rights of Scotland as they stand, either Supported or Invaded by this Attempt — ; if then the Church of Scotland has a Civil Right to the Ecclesiastick Immunity she Enjoys, and that the Union had Confirmed these Rights, then nothing can be Imposed upon her, against her present Settlement, without Breach of the Union : And this I presume to say, No Humane Authority now Establishd in Britain, can so much as Attempt without Dissolving the very Constitution.

*By the UNION then, and the several Acts of Parliament for the Security of the Presbyterian Church, which are Confirmed by, and made Part of that Union — ; The Purity and Uniformity of the Worship, Discipline and Government of the Church of Scotland is to be Preserved to the People of Scotland **WITHOUT ANY ALTERATION**, Mark these Words, I Repeat them again, **WITHOUT ANY ALTERATION** to all Succeeding Generations.*

If any Man will say, That Tolerating the Common Prayer can Consist with Preserving the Uniformity of the Worship —, or the Tolerating Episcopacy can Consist with the preserving the Government of the Church, or either of them with Preserving the Discipline ; then I may be ready to Enquire further.

On the other Hand, if they are not, then they cannot be offered to the Church of Scotland ; nor can even the Parliament of Britain Erect such a Toleration without Invading the UNION, which I humbly conceive they have not Power to do.

Nor can the Church or People of Scotland legally give their Consent to any such Act of Toleration ; because this Purity and Uniformity is to be Preserved to all Succeeding Generations ; and the present Generation has no more Power to give up what by the Union is thus Entailed on their Posterity, than the Parliament can give up what is Conceded to the said Present Generation.

By this it seems, the Church of Scotland is so Establishd, that neither can her Enemies Impose Toleration upon her ; neither can her Treacherous or Negligent Friends, too many of whom she may have in Power, give up her Claim to her Establishment ; neither can she her self Abandon her Right to, or her Possession of her Establishment, Exclusive of all manner of Innovations or Invasions on the Purity and Uniformity of her Worship, Discipline or Government.

*This I think is the present State of the Question about Toleration in Scotland, what Gloss the Artifice of Enemies, and the Craft of Parties may put upon the Attempts now making, of Invading the Privileges of the Church of Scotland, I have nothing to do with in
this*

this Treatise; I am sure if the Representatives of Scotland are Faithful and Vigilant, she is in no Danger —; nor can Her Church Privileges be Invaded by a Toleration, without Destroying the Civil as well as Ecclesiastick Constitution, upon which whole Britain is at this Time Establish'd by the UNION.

Two Things I find fall naturally in our Way as Objections (in England especially,) when we argue against Tolerating the English Liturgy in Scotland; First, That this is falling upon the Common Prayer Book, and Insulting the Church of England —; And Secondly, That this will be Injurious to the Toleration which the Dissenters Enjoy in England.

It is most certain in strict Justice, That tho' both these were true, it makes nothing to the Argument. The Question is not of Civility to the Church of England, or of Prudentials to the Dissenters in England, but of Right and Justice to the Church of Scotland —, We are here in a Right of Property Capitulated for by the UNION, Stipulated for, and Agreed to by the Church of England, that no Alteration shall be made; that the Purity and Uniformity shall be Preserved: Either it is Preserved, or it is not —; If the Common Prayer be Imposed on them; If Episcopacy be Tolerated, their Worship and Government is Altered, or it is not —; if it be, then the Union is Invaded, or it is not; the Questions are short, and need no Cavilling —, too speaking of the Church of England, and of the Dissenters in England, The Scots may be Civil to one, and Careful of the other, yet they must not give up their Establish'd Rights on that Score, this were to Complement them at too great an Expence —; Would the Conscientious Episcopal People in Scotland be Easy, no Body Molested them, they Enjoyed their Liberty Unmolested enough, and in a manner which the Dissenters in England for many Years would have Rejoyc'd at —; but when nothing will Satisfy, but Encroaching upon Declared and Establish'd Rights, the Church of Scotland is then bound to Assert her own Property, and neither the Church of England or the Dissenters ought to take it ill from them.

But after all, the Church of England have no Reason to take it ill, that the Scots do not make Use of the Common Prayer, any more than the Scots have to take it ill, that the Church of England do not make Use of the Presbyterian Discipline; They are two National Churches; Either of them have their respective Kingdom to which they belong, Constitution on which they are built, and Laws by which they are Establish'd; They are perfectly Independent one of another, and have no Superiority over, or Subjection to one another —, They are Confederated by the UNION, and the Butts and Bounds of their respective Influence, are Stated and Irreversibly Determined, I say, they are but Confederated, for it is no more, the Kingdoms are Incorporated, but the Churches are but Confederated; but the Links of this Chain are so nicely Twisted together, that the Confederacy can not be Broken without Destroying the Incorporation, and the One is the Bond of the Other —; It can then be no Affront to the Church of England, to have the Scots say, We will have nothing to

do with your Common Prayer —, Nor to the Church of Scotland, to have the Church of England say, We will have nothing to do with your Presbyterian Discipline — : It was the Great Preliminary of the Treaty, That the Churches of either Kingdom, should have nothing to do with One Another — ; And therefore the Treators on both Hands, were expressly Forbid to Meddle with the Affair of the Church —, whose Establishments, it was found absolutely Necessary should not in the least Interfere with One Another —, nor their respective Jurisdiction be Suffered to Incroach upon, or Invade One the Other. If any have Reason therefore, to take ill any thing from the Other, the Church of Scotland has the first Offence given her, by this Attempt of Invading her Uniformity ; Only this is to be said for it, That it is the Act and Deed of a Party, not of the Church of England, Considered as a Church.

As to the Danger to the Dissenters, with Respect to the Toleration they now Enjoy in England — ; The Fears of that seem to be altogether Groundless, to any Man that Rightly Understands, either the Nature of the Toleration in England, or the State of the Question concerning Toleration in Scotland —, in which it is Manifest, that the Difference is so Wide, that no Argument can be drawn from the One to the Other, either to Strengthen or Destroy.

The Scots Oppose a Toleration by a Claim of Right, stipulated between the Two Nations, and it is evident —, when the Act for Security of the Church of Scotland was past in Scotland —, this very Matter of Toleration was not a little Debated, and the Presbyterian Opposers of the UNION in Scotland were not Backward to express their Apprehensions of a Toleration being Brought upon them by the UNION —, They were Answered by the Act of Security, which was supposed, believed, and intended to be Effectual against such a Thing —, and had they not thought it Sufficient, but insisted in Words at length, That the English Liturgy should not have been Tolerated, or at all Used in Scotland in Publick. I may Appeal to all the Gentlemen Concern'd, either in Scotland, or here in England, That it would not have been Denied — ; And the Author of this is Witness to Large Assurances given to this Purpose ; but it was thought Modest to set it down in less pointed Terms —, no Man Doubting but that an Article to Preserve the Uniformity of Worship in the Church of Scotland, WITHOUT ANY ALTERATION in all succeeding Generations, must be supposed to contain a Sufficient Security against the English Liturgy.

Now it would seem a very Gross Suggestion, and Reproach the Church of England with strange Injustice, to allege that they should Discontinue their Toleration to Protestant Dissenters in England, because they themselves, having Consented to the Exclusion of Episcopacy in Scotland, the Scots hold them to their Bargain.

Besides the Toleration in England, would the Dissenters see their own Right to it, has a Legal Claim, and a Capitulation also on which it is Founded, and can not without Manifest Injustice be Invaded by the Church of England, but to Invade it, because the Scots will not Tolerate Episcopacy, which they (the English) Consented should
not

not be Tolerated, would be a double Injustice, and is a Reproach to the Church of England, so much as to imagine.

I think this Argument needs no further Discourse — ; The Scots do insist upon it, that by the UNION they ought not, and by the Constitution of their Church they can not admit the Common-Prayer Book to be publicly used in Scotland — ; and those that offer it to them, know the People there will by no means bear it — , I am loath to say that's the chief Motive of the Attempt.

Several other Disputes happened in Scotland after the UNION, which can not be brought into the Compass of a Preface, and must be refer'd to the further Histories of those Times — , As the Act for making the Trials in Cases of High Treason, the same in both Countries — ; Occasioned, as is Noted before, by the Disputes which happened at the Trials of the four Gentlemen brought from England on the Invasion.

The Case of the Drawbacks on Fish Cured with Foreign Salt Imported between the making the UNION, and the first of May, which being a Debate that can never happen again, is not Materially only to Note, that tho' the Intent and Meaning of the Act of UNION, was not for them, nor indeed the Equity of the Case — , For they could not be supposed to Drawback what they never paid, yet the Letter of the UNION being for them, the Parliament Voted them their Money, which was a Testimony of the Regard the British Parliament always have, and must always have to the UNION, The Case in short was this,

By the Eighth Article of the UNION, several Allowances are made, as Drawbacks upon Fish Cured in Scotland and Exported again — ; The reason of this Allowance, was, because the Salt with which they are Cured paying a great Duty — , that Duty ought to be drawn back upon Exportation — ; Now between the Ratifying the Treaty and the first of May, when it was to take Place, a very great Quantity of Foreign Salt (French) was Imported, which by the passing all the Goods so Imported as before, paid none of the English Duties — . Now it was alledged, that as the Duty did not Commence upon the Salt, so the Drawback ought not to Commence, which was the Effect of that Duty — ; But the Letter of the Act being express Article the VIII. That all Fish Cured with Foreign Salt shall Drawback, &c. The Parliament Voted it, and Scotland got about Twenty Seven Thousand Pound Sterling Drawback, where they paid little or nothing of Duty.

I do not remember any thing Material that happened in this Interval, more than what has been hinted at here — ; The Parliament of BRITAIN went on to Ease the Scots in every Thing that came before them, and except the Act above-mentioned about Treason, I know nothing that pass'd against the Joynt Opinion of the Scots Members in Two Sessions of Parliament, which have sat before the writing these Sheets.

I have now, only a few things to take notice of here, relating to the Performance of the Work — , which I must make some Apology for, and which shall close this Preface.

[h a]

First,

First, That there are some *Acts* of Parliament, which in the *Book*, are refer'd to, as Printed in the *Appendix*, but are not there — ; As the *Act* of Security of Scotland formerly past there — ; The *Act* in England, Intituled, *An Act for preventing Dangers arising from the said Act of Security in Scotland* — ; The several *Acts* of Parliament for Naming Commissioners for the Treaties — ; And the *Act* for Plantation of Kirks and Valuation of Teinds — . These *Acts* being all Publick, and to be found in the several *Volumes* of *Acts* of Parliament of the respective Kingdoms, I have Omitted in the *Appendix*, as needless, tho' refer'd to in the *Book* — ; The *Appendix* also swelling beyond my Expectation.

A Note also of the Difference of the several Duties on Goods Exported and Imported before, and after the UNION, and of the Stations of the Custom-House Cruizers mention'd Fol. 12. of the first *Appendix*, and refer'd to N. R. S. T. V. Xxx. of the second *Appendix*, are Omitted, the first, as needless, a Book of Rates of both being afterward Published in Scotland — : The second as void by the Course of things, the said Cruizers having never been built.

Fol. 3. of the first *Appendix*, the last Paragraph but one, mention is made of a Calculation of the Damages done to the Revenue, by the Importation of French Goods into Scotland, between the End of the Treaty and the first of May — ; But I find my self obliged to acknowledge ingenuously, that after many Essays to obtain such a Computation, I could never come to any Account so exact as I could depend upon, or venture to Publish.

The Irregularity of the *Appendix*, may deserve some Excuse, but the various Times in which the several Parts were wrote, even some before others were Acted, were the true Reason of the Irregular placing of the Pieces ; And 'tis hoped the Reader will accept that for a Reason.

As to the Work it self — , I shall say nothing, but leave it to the Charity of the World, which in this Age indeed runs very low. It has many Difficulties in its Way. many Factions and Parties to please — , and must be Censur'd by some ; I have endeavour'd to speak Truth, and relate Fact Impartially in all that is Matter of History ; As to my own Observations, they are but my Opinions, and they must abide the Fiercest Attacks of Parties, as the Passions and Interests of Men guide them — , and I am perfectly Unconcerned at the Event.

D. F.

A
GENERAL HISTORY
OF
UNIONS
IN
BRITAIN.

IN order to come to a clear Understanding in the whole Frame of this wonderful Transaction, **THE UNION**, 'tis necessary to let the Reader into the very Original of it, and Enquire where the first Springs are to be found, from whence this mighty Transaction has been Form'd.

And tho' this will of course lead us back a great way into History, yet it will carry this Advantage along with it, that we shall see all the several Steps which have been taken, how Providence has led the Nations, as it were, by the Hand, and brought them by the Hints of their mutual Disasters, to seek this Treaty, as the only Harbour the Ship of the State could safely come to an Anchor in.

Nor is it unworthy Observation, especially to those who love to remark the Connection of Providences in the Affairs of this World, and the various Turns the Island of *Britain* has had in the Course of a few past Years, All which have had their direct Tendency to this great Event, tho' perfectly Unforeseen, either by the Actors or the Lookers on in those Ages.

The Animosities between these two Nations, would require a great deal of Time and Art to Describe, they are not so remarkable for their Antiquity and Original, as for their Nature and Circumstances.

Never two Nations that had so much Affinity in Circumstances, have had such Inveteracy and Aversion to one another in their Blood.

They have been both the Inhabitants of the Richest, the Beautifullest, & most populous Island in the World. And by frequent mutual

Invasions made upon them, by the same Foreign Nations, who have left their Race behind them, it is not at all an Excursion to say, They are the same in Blood, of the same Offspring, and became Inhabitants the same way.

If it be Objected, That the North and North-West Parts of *Scotland*, are *Irish*, and retain both the Surnames, Manners, and Language of the *Irish*, or the Ancient *Scoti*, from whence the whole Kingdom had its Name; It is also Answered, so has *England* in *Wales*, *Cornwal*, & *Westmorland* the Ancient *Britains*, who retain their Surnames, Manners and Languages, as distinctly as the Highlanders in the North, or the *Irish* in the Islands of *Scotland*.

But take the South Part of *Scotland*, on this side the *Tay*, the Inhabitants, tho' very Ancient, must be allowed to be the Remains of the *Roman Colonies*, afterwards of the *Danes*, some *Saxons*; and among all these, the *Picts*, who we suppose, to have been the Ancient Inhabitants.

'Tis true, *England* is much more mixt in Blood, and the Reason of this is plain, in that, being a Nation powerful in Wealth, Fruitful in Soil, and above all, increasing in Commerce, more Nations have sought to settle among them, numbers of People have flowed in upon them, from all Parts of the World, and blending their Blood with the most ancient Families, have destroyed all that can be called National, as to Antiquity among them, and they do not pretend to it.

Whereas in *Scotland*, under all the Mixtures they have suffered, their ancient Families seem to have been preserved, and Foreign Nations have only seemed to increase their Number.

However this be, there is Nearness of Blood enough, I mean as to Originals, to have occasioned some Propensity to Coalition, and mutual Neighbourhood between the Nations; & one would have thought, some happy Accident might have fallen out, some Lucid Interval, some convenient Crisis of Circumstances, or Juncture of Inclination, to have brought them together, made them fast Friends, and so have joyn'd their victorious Arms, to the Terror of their Neighbours.

But the Rancor has run in the Blood, the Hatred between the Nations, has lookt like a meer Original, a sort of Antipathy, Hereditary from Generation, Born with the very Nations, and has long Threatned us with being too fast rooted there, ever to be remov'd, but like a malignant rank Leprosie, by pulling up Foundations.

Nor will all the History which I shall Trace in the pursuit of this Affair, Illustrate it more than the very Story of *the Union it self*; The strange Opposition made to the Treaty, and to the Parliament in *Scotland*, against all manner of Reasoning, against Nature, against Interest, the Aversion to it among those very People that are now made Happy by it, with what Convulsions this evil Spirit was cast out, what Struggles it made at parting, how the poor Enslaved People fought against their approaching Freedom, Insulted the Patriots of their Liberty, and with inexpressible Uneasiness, received the

the Blessing of Universal Peace. These things, I say, will be lasting Testimonies to that Original Aversion that was planted in the Minds of the People, notwithstanding the Nearness of their Circumstances in other Cases.

I shall not go back to the Wars here, between the *Scots* and *Picts*, and the *Britains*, in the Time of the *Romans*, and how afterwards in the declining of their Empire, the *Britains* *fatally* to *them*, called in the *Saxons* to support them against the Fury of the *Scots*; The Famous *Pict's* Wall built in the Time of the *Romans*, the Remains whereof are visible to this day, are sad Tokens of the Ancient Quarrels, Wars, and Devastations that were carried on between the two Kingdoms, even beyond our Accounts of Time.

Nor does it appear to me, That there was in all those Times, any Propensity between the Nations to such a thing as Peace, no not for many Ages after those Times, but if either Side found it convenient to Treat, even those Treaties were carried on with a kind of a professed Resolution of renew'd War on the first occasion; and I think History gives us no Account of any firm resolv'd Peace ever made among them, but only short Truces of Peace for a Term of Years, very often for One year, Two or Three, at the end of which, the War was supposed to break out again of course.

Nor were these Wars carried on like the Wars between other Nations, with Policy, Temper, and Points of Honour, but all that could be expected, when two Terrible and War-like Nations, provoked to all possible Extrems, shall meet, have been to be found here —; These unhappy Wars have therefore been all Devastation and Blood, the Invasions on either Side have always been Fire and Death, the Land laid waste with Burnings and Plunder, and then the Armies Fighting with Fury and Desperation, no Nations that ever Fought, *since what we are told of in the old Eastern and Roman Empires*, have killed so many in Fight; And if I should enter into proportions of Land & People, I need not make Exceptions for them either, Sixty Thousand, Thirty Thousand, Twenty and Fifteen Thousand slain of a Side, have been the frequent Numbers, of which History gives Account in the Wars between these two miserable Nations, and that not seldom, but very often, and some very lately.

I forbear to enter into a further Description of the ancient Feuds of these Nations, as what is but a Melancholly Retrospect, to any that have but common Compassion for their Countrey; this may serve to Illustrate the present Subject, and make the Peace we now enjoy, the more valuable to Posterity.

The first Entrance I shall make on the Matter of Coalition seems to begin with *Edward* the first King of *England*, and this as it was on a wrong Foot, so its Continuance was accordingly —; That Victorious Monarch possess the whole Island of *Britain*, for he pierced *Scotland* to the *Orcades*, and Traversed all the Mountains of *Wales*, subdued all the petty Princes of the *Britains*, and had projected to call himself King of *Britain*.

But Providence had better Things in Store for this Island, his projected Empire, Founded on Conquest, Ended ere it began, all his Victories were Unravelled in his Effeminate Luxuriant Son, and he that had Torn the Crown from his Neighbours, had in his Posterity his own Crown laid at the Foot of Justice, and taken from the Head of a Thoughtless young Tyrant his Son, whose Life was made to pay for the Oppressions of his own Subjects.

It was in this Kings Reign, the first Project of Uniting the two Kingdoms was laid, and tho' it proved Abortive in its most Early Execution, yet it is very useful to the present purpose, and to the Readers Information, to give the World a Scheme of this designed Union, and to let those Gentlemen who have Opposed it now as a Novelty, know, that it was the Opinion of both the Nations in all Ages, for this was in 1286, that a Union would be for the general Good of the whole——; See English *Buchan. Fol. 243.*

'Tis true, we find one of the Kings of Scotland, viz. Robert Bruce, who was really one of the Greatest Kings Scotland ever had, among the Instructions left for the Conduct of his Successor, leaving this stated Rule, viz. Never to make a perpetual Amity with the English, *Buchan. Lib. 8. Fol. 86.*

But the Reasons given for it, will not at all be brought in prejudice of a Union, or Incorporation of the two Nations, for as to long Recesses which that Prince argued, to prove, that the Scots by Disuse would be rendred unfit for Arms, and so be the more easily worsted by the English, who by Foreign Wars were always kept Active and Vigorous, and by that means were likely to have Advantages of them; that can be no Argument, the Nations now having no more occasion for that Emulation.

Nor does it seem to me but the same principle of Care for his Native Countrey, which led King Robert to be so Thoughtful for Time to come, *Could he have seen what these Ages have been brought to know*, would by the same Reasoning, have led him vigorously to have pursued a Conjunction of the two Kingdoms, into one Incorporated Body; If he had seen the least Prospect of such an Attempt, being Feasible: and I believe this not from the Nature of the Thing only, and its Correspondence with his General Interest——; But from this Note, That in his Successors Times——, when the first proper Season seemed to offer, it was not Thought of only, but pursued with all possible Diligence, as shall appear in its proper place.

But to go back to the State of the Wars in his Reign, and a little before.

Who ever will give himself leave to Read the History of the Wars at that Time, will wonder how Scotland was able to Struggle with such Terrible Losses, and may reckon up above 200000 Scotsmen slain in Fight, only against King Edward the first, besides all the other Havock, five several Invasions of a Conquering Enemy, must be attended with.

And

And yet with what Vigour they shook off the Yoke, how they were to his Death, I mean King *Edward* the first, preparing new Armies, and in the space of but two years after it, ventured a Battle with his Son *Edward* the second, at the Head of 100000 *Englishmen* at *Bannockburn*, and beat him out of the Field with the greatest Slaughter that was ever made in *Britain*, since the Fight between *William* the Conqueror and King *Harold*, there being, as some Histories say, 80000 Men slain on the *English* Side.

Thus ended the Union of Conquest between the Nations, *Scotland* recovered her Liberty, and *England* paid very dear for the Experiment.

But this is not the Reason why I begin at this Period, but as the first Sense of the Blessings of Union began to touch the People of this Age, it can not but be acknowledged the great, and indeed the only Point of Time, to take the Rise of this Voluminous Story from.

Alexander the Third King of *Scotland*, was one of the greatest Instances of the Vicissitudes and precarious Condition of a Royal State in the World, in the space of about three Years, he had two Wives, and a flourishing Off-spring, was left first a Widower, then Childless, and at last Lifeless, and the Crown of *Scotland* in a manner Hopeless.

Henry the Second King of *England* Dying, King *Alexander* and his Queen takes a Journey to *England*, in Complement to King *Edward* the First, and to be present at his Coronation; I shall avoid Disputing here any thing of the so much controverted Article of Homage, let it be how it will, 'tis not to the present purpose, to me it seems not at all the Business of that Journey, if it had, there had been no need of the Queens going too, nor do I Read of any Thing but a Visit of Complement, or a Journey of Curiosity, to see the Pomp and Grandeur of the *English* Court, which was then very great.

In this Journey, Fatal to the Family as well as to *Scotland*, the Queen Sickned, and soon after Dyed; She was followed in a few Months by both her Sons, *David* and *Alexander*, the latter being but just Married to the Daughter of *Baldwin* Earl of *Flanders*.

Nor was this all, Disasters seldom come alone, *Margaret* the Kings only Daughter Married to the King of *Normay*, Dyed the same year, leaving one Daughter only, Named also *Margaret*; Of whom presently.

The King surprized with this general Shock of Mortality upon his Family, finding himself Childless, and Unmarried, but being in his Prime of Age and Strength, Resolves upon Marriage to Restore his Family, and accordingly he Marries *Joletta* Daughter of the Earl of *Dreux* in *Normandy*.

But Heaven had yet further Judgments for *Scotland*, for before any Children were born of this Marriage, the King himself fell from his Horse, and his Kingdom, both at once, for he Broke his Neck

Neck in the Fall at or near *Kinghorn*, a little Town in *Fife*, on the North-side of the Firth over against *Edinburgh*.

The only Heir to the Crown, was now *Margaret* Daughter of *Hangonanus* King of *Norway*, by *Margaret* aforesaid, the only Daughter of *Alexander* the Third King of *Scotland*.

And here is the first Demonstration of what I shall all along insist on in this History, viz. That never any rational Prospect of Uniting these Kingdoms appeared in the World, but both the Nations unanimously agreed, that Union was for the mutual Advantage of both, and that it never was Opposed by either Nation, as a Nation, but only as Private Interest, Strength of Parties, Court Intrigues, and the Enemies of both the Nations have prevailed, to prevent their Happiness.

Alexander Dyed in the year 1285, without Issue, Vid. *Buchan. De Rerum Scoticarum Lib. 7. Fol. 71.* *Edward* the First King of *England*, a Powerful and Politick Prince, saw himself in a Condition to Manage *Scotland* by Force, as afterwards too sadly appeared, but a better Prospect at that Time being in View, he falls immediately upon a Scheme, which, if Providence had permitted it to have taken Effect, would have secured the Peace of these Kingdoms from that Time, and prevented the terrible Effusion of Blood, which happened that very same Age, as well as for many Ages since between both Kingdoms.

And this Project was UNION, the King had one Son *Edward*, Heir to the Crown of *England*, who afterwards proved the most Unfortunate Prince that ever Reigned in *England*.

The Crown of *Scotland* had but one Heir, viz. *Margaret* of *Norway*, Grandchild to *Alexander* the Third, by *Margaret* his Daughter Married to the King of *Norway*. It presently Occurs to the King and his Council, That a Marriage between *Edward* his Son and this young Lady *Margaret*, then commonly called, *The Maid of Norway*, would necessarily Devolve both the Crowns upon his Posterity, and immediately Establish the Peace of both Kingdoms.

Nor was the Relation very Remote, for *Margaret* was, as above said, the Daughter of *Margaret*, only Daughter of King *Alexander*, by King *Edward's* own Sister, and therefore the Dispensations from the Pope, were then thought necessary to be obtained, as will appear presently.

Upon the Death of King *Alexander*, says *Buchanan* in the 8th. Book of his History, a Convention of the Estates was held at *Scoon*, to Treat about Creating a new King. These are *Buchanan's* Words; *Alexandro cum tota stirpe (prater unam ex filia Neptem) Extincto, Conventus Ordinum Sconam indicitur, in quo de novo Rege Creando & statu Regni interim Componendo ageretur.* Buch. Lib. 8. Fol. 72.

I confess, considering the Character and Authority of *Buchanan*, I much wonder how he could say, They Met about Creating a new King, when in the same Paragraph, he says, *The whole Linage of Alexander, except one Grandchild by his Daughter, being Extinct* —; Now if one Grandchild was in Being, the Convention of Estates could not be Met to Create a new King. () Nor

Nor does it appear that their Business was to Create a new King, but to Settle the Government of the Kingdom in such Hands, as might secure the publick Peace, during the Absence of their young Queen, and till she could Arrive from Norway — ; And that this was their Business, is also evident from *Buchanans* own Relation, in the same Chapter Quoted above, where he says, That when most of the Nobility were come to the said Convention, in the First place, they appointed Vicegerents to Govern Matters, *Eo cum Frequens Nobilitas Venisset, primum Omnium Sex Creant, qui summa Rerum præsenterent*, Buch. Lib. 8. Fol. 72. for the present, That is, till their Queen should Arrive.

To this Assembly *Edward* the First King of England, sends his Ambassadors to Treat with them, to desire their Queen, says *Buchanan*, as a Wife to his Son.

The Historical part of this Affair, is not so significant to the present purpose, as the Substance and Intention, the Opinion and Notion the Nobility, Princes and People of both Nations had of the Thing they were then doing, in which it will appear,

1. That an intire Incorporation of Countries, a Coalition of Interests and Affection, as well as Commerce and Constitution, was Designed, even at that distance of Time, as the only Means to Settle the Peace and Happiness of both Nations.

2. That it was the best Juncture that ever had happened, or could happen for such a Coalition, and nothing but the immediate Hand of Providence, who reserv'd it for a more happy Time, and for more happy Instruments to Finish, could have prevented.

And therefore *Buchanan* says of it, *Hi, cum in Conventu publico Multa de Utilitate publica, qua hoc Matrimonium esset secutura, Disservissent, Scotorum animos ab ea Affinitate non alienos Invenierunt. Erat enim Edwardus Vir Magni animi, Magnaeque Potentia: Majoris etiam Cupidus: Ejusque virtus, Patre Vivo, in Bello Sacro, & Mortuo, in subigenda Pallia, Enituerat. Neque Scotorum nomen unquam Anglo Conjunctius fuisse, Meminerant; quam sub postremis Regibus, nec Odia vetusta, unquam Commodius aboleri posse videbantur, quam si uterque populus honestis & aequis Conditionibus, in unum Coiret.* Buch. de Rer. Scot. Lib. 8. Fol. 72. Which his homely Translator has Englished thus;

" The Ambassadors in this Session, Discoursed much of the publick Utility like to accrue to both Kingdoms by this Marriage, neither did they find the Scots Averse therefrom, for Edward was a Man of great Courage and Power, yet he desired to increase it; and his Valour highly appeared in the Holy War, in his Fathers Lifetime, and after his Death in his subduing of Wales, neither were there ever more Endearments past between the Scots and the English than under the last Kings; yea the ancient

ancient Hatred seemed no way more likely to be Abolished, than if both Nations on just and equal Terms might be United into one.

Here is the very substance of the Queens late Letter to the Parliament of *Scotland*, about the Union now made; only here, the People unhappily seem'd Blind to their own Happiness, and so long ago they were able to see it their mutual Interest.

The Ambassadors Discourf'd with the Nobility in the Convention, about the publick Utility like to accrue to both Kingdoms.

What is this but mutual Stipulations, Regulations, and in short, a Treaty between them how to make a Union between the Nations, such as might be for the publick Advantage of both Kingdoms.

And this was done with General Endearments between the Kingdoms, mutual Civilities pass'd between the Gentlemen concerned on both Sides, for the Good of both; we read of no Jealousies, no Prejudices, no radicated Antipathies, but the publick Good convinced both Sides, that nothing could Contribute more to the Rooting out and Abolishing the ancient Hatred, than to have both Nations on just and equal Terms be UNITED INTO ONE.

Nor is it remote to this purpose, to enter a little into the Articles of this Union, for tho' History is very silent in this Matter, yet, as I have promised to search every Thing in this History to the Bottom, I find among the Records in the Tower of *London*, an Ancient Instrument or Form of this Union or Confederacy, which in the *Appendix* to this Work, you will have Printed at large, and is Numbred 1.

And *First*, to let the World be satisfied, that even in so remote a Time, things of this nature were Transacted with the same due Caution and Regard to the Liberties and Good of the People, as they are now, and that it was a National not a private Act, not an Act of a few, Over-awed by the Power of King *Edward*, tho' several Steps taken in it, will be very necessary to be Noted, for I take this to be the most exact Pattern of the present Treaty, of any that has ever gone before it, as it was a Treaty seriously set about by both Nations, with a real Design for the general Utility, and with a Design on both Sides to bring it to pass, which is more than can be said of all the Treaties which have been set on Foot since.

The first Step the King took after his sending Ambassadors to Treat with the Convention, seems to me to be the obtaining a Dispensation from the Pope; the Queen and the young Prince being nearly Allied; and such was the subjection of the Princes of the World to the *Roman* Tyranny, that nothing could go on of this Nature, without the Sanction of the Church, where, by the way may be observed;

That the Pope, as in all Ages Popes have done, made his Advantage of the Occasion, and takes this Opportunity, to Demand of the King an old Arrear of an annual Pension of 1000 Merks,

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Granted

Granted by King *John* to the Holy See, and which King *Edward* had left five years unpaid.

The King, who knew well enough the Influence ready Money had in such Cases, readily answers the Popes Demands, and issued his Writ for payment of the Money.

The true Copy of the Original Warrant to the Treasurer, is added in the *Appendix* to this Work, which being very short, I thought not Improper to insert there, as a Thing the Curious may be very well pleased to Read, and is marked N^o. (8.)

It is to be Noted the End of King *Edward* in payment of this Money, was plainly to get the Dispensation Expedited, for he never paid any more that I read of, nor his Successors either, I mean, on account of that old Pension or Grant of King *John's*.

His Holiness was so exceedingly obliged by this payment of 5000 Merks, that he immediately dispatched the Dispensation for the Marriage of Prince *Edward*, with the Heirefs of the Crown of *Scotland*, tho' within the prohibited Degrees of Consanguinity; which Dispensation is Enrolled in the patent Roll of 17. Ed. 1st. and may be found in the *Appendix* to this Work, N^o 2.

The next Step the King takes is, to send Ambassadors and Letters to the King of *Norway*, giving his Proxie to the Bishop of *Durham*, one of the said Ambassadors, to Espouse the Lady in the Name of his Son *Edward*, wherein the Dispensation obtained from the Pope, is Repeated; This Letter and Proxie is added in the *Appendix*, N^o 3.

At the same Time he sends Letters to the Keepers or Guardians of the Realm of *Scotland*, and to the King of *Norway* in Answer to Letters received from them, containing all the Articles and Agreements on which it was that he proposed this Marriage, which were Published by the King, for the Satisfaction of the Subjects of both Nations, in which you will find all possible Care taken of the General Good; and sincere Protestations, that the End of this Marriage, was, as is expressed in one of the Letters, *Ad Honorem Dei & Tranquillitatem Totius Communitatis ejusdem Regni*.

These Testimonials are too significant not to deserve a Place in this History, and therefore are placed in their Order in the Collection, and Numbred 4, 5, 6, 7.

Nor was this all, but I find a large Charter or Grant made by the Agreement of special Commissioners on both Sides, and Ratified by the King himself, to the Kingdom of *Scotland*.

In short, it is a meer Treaty of Union between the Kingdoms, tho' not much Collateral, but rather particularly to *Scotland*, this has the Great Seal affixed to it, and the King took an Oath to observe it, under the Penalty of One Hundred Thousand Pounds Sterling, an immense Sum in those days, to be paid to the Church of *Rome*, towards carrying on the Wars in the Holy Land, and on the farther Penalty of Excommunication, and subjecting his whole Kingdom to an Interdict; Things very Terrible in those Days.

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This Instrument also is at large found among the Records in the Tower of *London*, and is Re-printed in *Prynnes Collection Fol. 395. 396, 397.* and added in the *Appendix or Collection* to this Work, N^o 9.

Another Instrument is also Recorded in old *French*, wherein the Security to *Scotland*, for Surrendring her Forts and Strengths to the *English* on this Marriage, is Settled, and which you will find in the *Collection* also, N^o 10.

Thus the Affair of an Union was finished above Four Hundred and Twenty Years ago, and these Nations had Flourished under its Consequences no doubt ———; But Heaven Frown'd on so great a Work, and the Sins of both Nations permitted not that Blessing to come in their Day; for the Lady Dyed in her Voyage from *Norway* to *Scotland*, having a Rough Passage, and being not able to bear the Fatigues of the Sea; And thus all this fair Fabrick came to nothing, was Dash'd in a Moment, to the Inexpressible Loss and Regret of both the Nations.

Buchanan says, She Dyed in *Norway* before the Commissioners Arrived, but our *English* Historians, & *M^r. Tyrrel* in particular, whom in this I follow, *Lib. 9. Vol. 9. Fol. 6.* says positively, she Dyed in Her Voyage between *Norway* and *Scotland*.

I cannot omit to Re-mind the Reader of these Sheets, what were the Dismal Consequences of this Disappointment to both these Kingdoms, and as it was nothing but the immediate Hand of Providence that brought it to pass, so it may, without any Charge of *Enthusiasm*, or Over-straining the Case, be allowed, to be one of the severest Judgments that ever Heaven Inflicted on this Island.

And I insist on this, not so much as it relates to the present History, but as it may be needful for such People to Reflect upon, who have, at the same Time that they pretended to be Lovers of their Countrey, yet vigorously Opposed the Uniting these Nations in this last Treaty.

The breaking of the happy Prospect of Union between the two Kingdoms, was attended with strange Confusions, all which serve to Enhance the Value of their present United State, the hopes of a prosperous Peace were not greater on one Hand, than the prospect of Dismal Confusions was Horrid on the other; And tho' it be a Digression, I shall venture the Trespass to give a short Abridgement of the History of those Times, as in the Course of these Sheets it shall be needful to Form a due Connexion, and I promise my self, the Diversion will be as pleasant as profitable, and that no body will think it lost Labour to Read over, what in those Ages was Transacted on the Stage of their Native Countrey.

With the Death of this Princess, all the Thoughts of Union between the Kingdoms Dyed also, each Party began to Examine their separate Interests, not Consulting what was fit to be done for the carrying on their National and General Advantages.

The Business of *Scotland* was, how to Settle the Crown, and who to Declare King, the Conservators or Keepers of the Kingdom, appointed

pointed by the Convention of the Estates Assembled at *Scoon*, were according to *Buchanan*, *Duncan Macduff* Earl of *Fife*, *John Cumin* Earl of *Buchan*, *William Frazer* Arch-bishop of *St. Andrews*, *Robert* Bishop of *Glasgow*, another *John Cumin*, and one *John Stenart*.

The principal Pretenders to the Crown, were, *John Baliol* and *Robert Bruce*, their Descent, and the Foundation of their Claim, is at large to be found in *Buchanans History Lib. 8.* their Titles were remote, and not only pretty equally founded, but their Interest among the Nobility was so equal, and either way so powerful, that nothing but an immediate and Bloody War was apprehended, as the Consequence of their Pretensions.

The King of *England* disappointed in his Hopes of bringing the Kingdoms to a lasting Peace, by Uniting them into one, as before, applyed himself no more to Consult their General Good.

But considering them in their separate Capacity, as two Nations that could not long Agree, made it his whole Study, either first to subject *Scotland* to *England*, so as that making her Dependent on *England*, she should not be able to Break with him, or so to divide the *Scots* among themselves, as that they should be in no Condition to Hurt him.

Both his Ends seemed easie to Answer in the Occasion that now offered it self, for the *Scots* Nobility being, as I have Noted, so equally divided in the Interests of *Baliol* and *Bruce*, that they knew not what Course to take, they resolved, in order to avoid the Confusions of a War, and consequently the Ruin of their Countrey, to refer it to the Arbitriment of the King of *England*.

This was a full Testimony of the Harmony and good Understanding which was then between the Nations, and what a happy Juncture it had been for a Union, if Heaven had thought fit to bless the Design with Success, any body may observe; for the King of *England* was looked upon as such a Disinterested Friend to *Scotland*, and one that would willingly concern himself for their Good, that they leave the Determination of the weightiest Thing in the World, to their Nation, wholly to his Sentence.

But I can not say the King Acted with equal Candor to the *Scots*, if what the Histories of those Times say, may be depended upon; For being a politick Prince, and having a long View of the Effects of Things before him, he resolved to keep his Eye upon the two Particulars Noted above, in his Determining this Affair, and rather to regard his own Interest than the Good of *Scotland*, or than the Justice of the Claim; he resolved to Sound the Inclinations of the two Candidates for the Crown, and so to give the Kingdom to him, that would conform himself most to his Measures.

Upon this he Treats first with the Nobility, and appoints a Meeting at *Berwick*, then he Exacts an Oath of the Competitors, to stand intirely to and be Determined by his Award; Then he orders a Select Number out of the Nobility of each Nation, as a Council in this Case, Twelve of a Side, Mr. *Tyrrel* says, Fourty of a Side, and

Exacts an Oath of them, to Advise, Judge, and Determine Rightly and Truly according to their Consciences.

These were the Politick Appearances of his Management, the better to cover his true Design; for all this while he causes the two Competitors to be Sounded Under-hand, to find out which was most likely to Comply with his Demands.

At last, the publick Debates beginning to draw near, a Period, it was easie to see, That *Baliols* Title was like to be Approved by the Twenty Four, as the best Claim, and that *Bruce* would lose it, this the King thought, was the Juncture to put it home in, and therefore causes it to be proposed to *Bruce*, That tho' it was plain he would lose the Crown, yet if he would subject himself and the Crown, to the Authority of the King of *England*, he should be immediately Declared.

All Men must Allow it was Politickly Managed, *but all the Craft of Hell is lost upon an honest Man*, *Bruce* like a Man of Honour, Rejects the Proposal with Contempt, and told them that proposed it, That *he scorned to enjoy the Crown at the Price of his Countries Bondage*.

Baliol, whose Principle was worse, tho' his Title was better, Accepts the base Conditions, and obtains the Crown, Swears Fealty to the King of *England*, and makes all the Nobility that were in his Interest, do the same.

All our Historians do not agree in this Account, and Mr. *Tyrrel*, who is very particular in relating the Proceedings, *Vol. 3. Lib. 9. Fol. 70, 71, 72.* takes no Notice of this, but others, and particularly *Buchanan* being very positive, *Lib. 8. Fol. 24.* I put it down as Fact, giving my Authors Authority for it, and leave the Reader to believe as much as he thinks fit of the Fact, the Subject I am upon, not depending upon it at all.

But he that basely yields to a Dishonest Yoke, in order to Gratifie his Ambition, is much more likely to break the Conditions he makes, than he that adheres to Honourable Articles, and insists on what Justice gives him a Claim to, and thus it was here, for on the first Affront offered to *Baliol* by the *English*, in consequence of his Subjection, he threw off the Yoke, and Renounced that Subjection; The Case in short was as follows.

Maeduff Earl of *Fife* being Injured, as he conceives, in a Suit Depending between him and the *Abernethians*, for the Murder of his elder Brother, The King having Determined in Favour of the Murderers, Appeals to the King of *England* against *Baliol* — ; When the Cause came to be heard, *John Baliol* was then at the *English* Court, and being present when he was Called to Answer, offers to Plead by a Proxy, or as we say, to be heard by his Council, but was refused, and obliged to come down, and stand at the Bar like a Criminal, and plead for himself.

This broke off all his Subjection, fills him with Indignation; and from this Time, he Studies nothing but Revenge; an Opportunity soon offered to his Mind, for a War breaking out between the *English*

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and

and the *French*, and both Soliciting *Scotland* for Aid, the Estates of *Scotland* Determine, *Tho' in an ill Hour for Scotland*, to Assist the *French*.

Thus all the good Temper of both Nations one towards another Vanished at once, and the most Bloody Wars that ever this Island felt, happened between them.

Baliol by a solemn Embassy, Renounces his Submission to *England*, as Extorted by unjust Methods, and his Friendship also — ; And *Edward* in Return, furiously Invades *Scotland* both by Sea and Land.

'Tis not at all my Design, nor to my Purpose, to enter here into the History of these Wars, or the Battels, Ravages, Fire and Blood, which the two Nations felt during the whole Reign of the three *Edwards* of *England*, with but small Intermissions ; the particulars whereof would of themselves make a large Volume — ; The true Reason of my mentioning these Things, will appear in my further prosecuting this Story : The short Use of it is this, That these two unhappy Nations were always in Extremes with one another ; Nothing but the *closest Union*, or the most destructive War, can be the State they must live in together ; And this I shall but too often make evident in these Sheets.

From this Breach, the War between the Nations came to a strange height, *Edward* proved Victorious over the *Scots*, and the Consequences of that are easie to Guess, *Baliol* was Crusht, his Armies Overthrown, the Countrey Pierc'd, even to the Extremest part by the *English*.

Edward calls *Bruce* to his Side, *Baliol* is taken Prisoner and Surrenders the Kingdom, then the Famous *Wallace* gets up, and carries on the War on the Subject of meer National Liberty, Overthrows the *English* in several Encounters, and is made Regent : But is again Overthrown by *Edward* and *Bruce* at the great Battel of *Falkirk*, and *Scotland* then intirely submits to *Edward*, whose Tyrannical Government makes the very *Scots* who had taken part with him against *Baliol*, Conspire together to Recover their Liberty, and one *Cuning* Leaguings with *Robert Bruce*, Son to that *Bruce* who was to have been King ; These, tho' Enemies before, joyn together to free their Countrey. But *Cuning* designing to Betray *Bruce*, is Killed by him with his own Hands in the very Church at *Drumfries*.

How *Bruce* after this Recovered the Kingdom from that Subjection to the *English* ; How he was often Overthrown by *Edward*, and several times reduced to hide himself in the Mountains, and most secret Places of the Kingdom, and sometimes so long, that he was supposed to be Dead ; --- How yet at last by innumerable Attempts, Unwearied Pains, and Invincible Courage he retrived his Fortune, Drove the *English* out of his Countrey, Overthrew them with a terrible Slaughter at *Bannockburn* near *Stirling*, and after a Reign of Twenty Four Years full of continual War, against the most powerful Princes *England* had in these Ages of the World ; he Died in

Peace, his Countrey being Recovered out of their Hands; These Things would be too long a Story here to relate.

In this War, by the best Calculations I can make, of Armies Raised, and Battels Fought, no less than Six Hundred Thousand People of both Nations perished, and all for want of that happy UNION, so near perfected, and so disastrously lost. A good Looking-glass for those Gentlemen (*who have openly wished these Nations might make a Breach either on one Side or another*) to look into, and for them to see, *if their Designs had succeeded*, what their Posterity might have had cause to Thank them for.

If it be Objected, that it does not follow, That on a Breach of this last Treaty of Union, a War must necessarily have happened, I shall take the Liberty to enter upon that Head by it self, and believe these Sheets will prove, That a War must have been the inevitable Consequence of breaking up this last Treaty, especially if broken up according to the Project of those People that appeared to Oppose it, who, we all know, acted on Principles, both as to Trade, Civil Government, and Succession, Incompatible with the Interest of both the present Establishments, and as much as can be said perfectly impracticable, as the Kingdoms were thus Constituted; But of this more hereafter.

From this Time, we meet with no Overtures of settled Tranquillity between the Kingdoms, till the Days of Henry VII. of England, whose Daughter Margaret was Married to James IV. King of Scotland — ; And tho' this Marriage was the Mother of Union (as I may Term it) and laid the Foundation of almost all the Projects that have happened since, and from whence at last the Crown of England Devolved upon the Royal Line of Scotland, yet in his Time there were no immediate Steps taken towards it. The outmost Effect of this Marriage, was an immediate Peace between the Nations, which, however, did not last long, but King James falling in with the French Interest, fell out with his Father-in-law King Henry VII. and after with his Brother King Henry VIII. and lost his Life in that War.

The first Attempt subsequent to this, was a Proposal of Henry VIII. who, after this great Quarrel was ended, tho' he was Victor, offered to Match his Daughter Mary (Prince Edward, afterwards King Edward VI. being then not Born) to James the 5th. King of Scotland, and to secure the Possession of the Crown after himself to them Joyntly; And the design of this Match, *it was evident*, could be nothing else, but a firm, lasting, and established Peace between the two Nations; For having himself no Sons, and expecting none, (*For the business of the Divorce of his Wife Queen Katharine was not then come into his Head*) He foresaw this was the only Step to Unite the Nations, and put an End to these Bloody Contentions, that for so many Ages had been between them, for that the Heirs of that Match would by consequence be posses of both, and so the whole Island would become one Happy and most powerful People, United in Interest, in Government, and in every Thing that would make them Great.

This

This Proposal was so Rational, and so visibly tending to the general Advantage of both Kingdoms, That it could not be supposed to meet with any Opposition from such, as were in the least concerned for the Good of their Native Country on either Hand.

On the English Side it met with an immediate good Reception, for King Henry VIII, contrary to the general Conduct of that Prince, whose Temper was (generally speaking) Bloody, Fierce, Haughty, and too apt to Insult such as fell into his Hands; Yet here, changing his Temper, he caused the Scots Prisoners, taken at the late Battle, to be very well Treated, and Committed to the several Keepings of the English Nobility, who used them Honourably, and according to their Quality.

I know it is said, That the King, who had this Project first in his Head, distributed the Scots Noblemen in the Houses of the English Lords, That these might, according to his private Instructions, deal with them apart, and strive, by Promises, and such like Arguments, to bring them to hearken to such a Proposal, and to begin the Treaty —; And that the said Scots Noblemen were, by this Artifice, prompted, and brought to make the first Offer of this Marriage, as from Scotland.

But let this be as it will, let the Honour of the Proposal ly where it will, it is manifest, both Parties were well pleased with it, and look'd upon it as the best Method, to bring both Nations to a State of Prosperous and Durable Peace. But Satan hindered.

It was evident, That both Kingdoms had a fixed Inclination, at this time, for the Union: Henry shewed his Good Will, in that he offered to heap up unusual Honours upon the King of Scotland, upon the first Project of the Match, as upon his undoubted Successor to the Crown, such as making him a Peer of Britain, by the Royal Title of Duke of York, a Title Vested in the Crown, and since the Father of Edward the Fourth, reckoned the next Step to the Throne; But this was not all, he offered to declare him Lord Lieutenant, or Deputy Governour of England, immediately upon the Match; This was to put the Government, as it were, in his actual Possession, and make him King by the Consequence of the Thing —; There is no doubt, but, had this Match succeeded, there would have been mutual Stipulations of a compleat Coalition entered into by the respective Parliaments of both Kingdoms.

But French and Popish Counsels prevented this Happy Conjunction, as they have several others since, and would have done the last; For the Clergy of Scotland finding Henry VIII. of England had crushed the Power of the Clergy in England, and was suppressing the Abbeyes and Monasteries, curbing the extended Authority of the Pope, and as they apprehended destroying their Church, they set themselves by all possible Artifices, to prevent this Proposal's taking Effect; And getting the French King to join his Interest with theirs, they wrought the King of Scotland to such a Dislike of the Match, That he rejected King Henry's Proposal with some Indecencies, refused him an interview at York, tho' he had given his Word to meet

meet him there —; This King *Henry* so repented, That a War immediately followed, (as upon a Defeat of an Union has generally happened) in which War, the *Scots* Nobility were so sensible of the wrong Measures of their Prince, and the Advantages to their Country, which he had rashly rejected, That they followed him very unwillingly, and at last wholly abandoned him at *Solan-Moss*, Declaring, They thought it was not their Duty to ruine their Country, to gratifie the Passion of their Deluded Monarch, and the Blinded Fury of the Clergy: This cost King *James* his Life, who died of Grief, as *Buchanan* relates, *Rerum Scotticarum*, Lib. 7. Fol. 76.

Its true, had this Match gone forward, it had not had the designed Effect, at least not immediately, because King *Henry* the VIII. afterwards had a Son born, who succeeded to the Crown (*viz.*) *Edward* the VI —; But this is not to the present Case, the Design was the same, nor did it die with the respective Kings —; Nay, after the Birth of the Young Prince, King *Henry* the VIII. made a second Proposal of an Union, *viz.* Of a Match between his Son *Edward*, and the Daughter of the late King of *Scots*; And this went so far, as to be Approved in the Parliament of *Scotland*, as may be seen in the Registers of that Time; But this was again interrupted, as the former had been, by the Death of King *Henry* the VIII. who left the Crown to his Son *Edward* the VI.

In this Reign, the Project of Uniting the Kingdoms revived immediately, for the *English* Council saw clearly the Advantages accruing to both Nations by an Union, and could not slip that Happy Juncture: Their King was a Child not above Nine Years of Age, the Queen of *Scotland* was the like, left by her Father at Five Days old, and Crowned in her Cradle: The Regency of *Scotland*, and the Council of Governours of the Young King, revive the Treaty, and propose a Match between the King of *England* and the Queen of *Scotland* —, and built it upon the late Agreement made between King *Henry* and the Parliament of *Scotland*.

But the *French* and Popish Party, who, as I have noted already, opposed Uniting the Kingdoms before, on the pretence of the Danger of the *Roman* Church, had now much more Reason to do so; Since King *Edward* had declared himself, as they esteemed it, an Heretick, had disowned the Pope, and had erected a Protestant Church on the Ruine of the *Romish*; And on these Arguments they rejected the Proposal, and broke their former Agreement.

And here happened, what I have all along observed to be the Consequence of breaking up a Treaty between the Two Nations, *viz.* A Bloody War, like as certainly must have happened again, had not this last Happy Treaty interveened, of which I am to Discourse in these Sheets.

It is not my Business to enter upon the Particulars of the War on this Occasion, but two Things it will be necessary to observe, 1st, That this War issued in the Defeat of the *Scots* Popish Army at the Battel at *Pinkie*, after which it was expected the Young Queen should have been delivered to the *English*, and Married to their King: And

And truly, if the Frank and Generous Offer of the Conquerors had been in the least regarded, it had been so, who, after the Victory made no Spoil or Havock in *Scotland*, but, as Friends, made a Fair Demand of their (*the Scots*) Queen to be Married to their (*the English*) King, That so the Nations being United, might for ever remain One ———; And this is to be seen in that Famous Declaration of the Duke of *Somerſet* the *English* General, which, as it is in a ſtill peculiar, and not uſual in the World among Conquerors, I could not omit, and is in the *Appendix*, N^o. 11.

But, 2. It was in Vain to Talk Reason to a People reſolved; The Popiſh Party, who ſaw evidently the Ruine of their Church, and the *French*, who ſaw the Deſtruction of their Ancient League wrapt up in the projected Union of the Kingdoms, fruſtrated all the Deſign, by Conveying the Young Princeſſ into *France*; And ſo this Scheme came alſo to nothing.

This had ſeveral bad Effects, which *Scotland* afterwards Regretted, *Fiſt*, That it delayed the Reformation in *Scotland* for near Thirty Years after that in *England*, and made it both Difficult, Bloody, Tedious, and for a long Time Imperfect, of which I have Treated elſewhere. *Secondly*, It brought her under a *French* Yoke, and for a long Time ſhe Groaned under the Tyranny of *French* Influence, till the Nation threw off Tyranny and Popery together, and Reformation came on Hand in Hand with Liberty.

And now the Notion of Union between the Two Kingdoms began to wear out, as a Thing, That, *tho' both Nations had Inclination enough to engage in*, yet there was no Juncture to make it Feaſible, till the Death of Queen *Elizabeth*, who dying without Iſſue, the *English* Crown devolved upon the *Scots* Line; And this produced a kind of Union, I mean an Union of the Crowns, but not an Union of the Kingdoms; Of the Imperfection, Deficiency and Inconveniency of which to both Kingdoms, I ſhall make ſome brief Obſervations, as they have been the Motives to the frequent Attempts for a more near Conjunction in the ſucceeding Times.

The Inconveniencies to *Scotland* in this partial Union were, *Fiſt*, Their removing their Court to *England*, their King, according to the Prophetick Saying of *Henry* the VII, removing his Seat of Government from the leſs to the greater ———; This was naturally attended with the Decay of Trade in *Scotland*, by removing the Concoure of Strangers from *Scotland*, whoſe Conſumption of Proviſions and Manufactures, which are the Foundation of Commerce, was a great Loſs to Trade ———; With the Exporting their ready Money out of the Kingdom, by the conſtant Attendance of their Gentry and Nobility at the *English* Court, where they ſpent their Eſtates, and ſuck'd out the Blood of their Country, to ſupport their Luxury and Magnificence ———; With the continued emptying their Nation of their People, who all ſtooked to *England*, either for publick or private Employment, and Depopulated, as well as Impoveriſhed, their Native Country; But above all, the bringing *Scotland* under *English* Influence, both as to Civil and Religious Govern-

Government, was a manifest Token of the Deficiency of this partial Union; For *Scotland* was after this, in a Political Sense, tho' not in a Legal Sense, always under the Management of the *English* Court: It had the Subjection without the Advantages —; Her Seamen were press'd into the *English* Service as Subjects, yet, at the same time, excluded the Merchants Service as Foreigners, an *English* Ship Sailed with above one Third *Scots* Men would be seized, as not being Sailed by *English* Men, and the Colonies of *England* were at last all barred from them, as much as from the *French* or *Dutch*; It would be too long a Digression, to recite here the various Inconveniencies *Scotland* laboured under, from the Deficiency of this partial, or meerly Regal Union, and which made all the Well-Wishers to *Scotland* desire, either that there were a more intire Union, or that there were no Union at all —

Nor was this unforeseen by either Nation, and therefore, no sooner was King *James* the VI. of *Scotland* come to the Crown of *England*, but he began (before he had learn'd quite to forget his own Country) to project a more near Union of the Nations, as the only way to make them both compleatly Happy; This was in the Year 1604 —, when, after several Projects of Uniting by his own Absolute Authority, a Thing then newly taken up in the World, finding all other Methods fail, he proposed it to the Parliament of *England*, That, to use his own Words, as they were made One in the Head, they might be inseparably Conjoined, and all Memory of past Divisions be Extinguished; At the same time he proposed it in *Scotland*, and both Nations were so sensible of the mutual Advantages of Union, That they readily agreed to it, and Commissioners were appointed on both Sides to Treat. The Names of the Commissioners were as follows,

For *Scotland*.

John Earl of *Montrose*, Lord Chancellor of *Scotland*, *Frances* Earl of *Errol*, Helgh Constable of *Scotland*, *George* Earl *Mairshel*, Great Marshall of *Scotland*, *James* Earl of *Glencarne*, *Alexander* Earl of *Lindisghow*, *John* Arch-bishop of *Glasgow*, *David* Bp of *Rosse*, *George* Bp of *Caithness*, *Walter* Pryor of *Blantyre*, *Patrick* Ld *Glames*, *Alexander* Ld *Elphinstoun*, *Alexander* Ld *Fyvie*, President of the Council of *Scotland*, *Robert* Ld *Roxburgh*, *James* Ld *Abercorne*, *James* Ld *Balmirinoch*, principal Secretar of *Scotland*, *David* Ld *Scoone*, Sir *James* *Scrymgeour* of *Dudop* Kt. Sir *John* *Cockburne* of *Ormeistoun* Kt. Sir *John* *Home* of *Coldonknows* Kt. Sir *David* *Carnegie* of *Kinard* Kt. Sir *Robert* *Melwill* elder of *Murdocarnie* Kt. Sir *Thomas* *Hamilton* of *Binnie* Kt. Sir *John* *Leirmonth* of *Balcomie* Kt. Sir *Alexander* *Straton* of *Lawrestoun* Kt. Sir *John* *Skene* of *Curribill* Kt. Maister *John* *Sharpe* of *Houston* Lawer, Maister *Thomas* *Craig* Lawer, *Henry* *Neisbit*, *George* *Bruce*, *Alexander* *Rutherford*, Maister *Alexander* *Wedderburn* Merchants.

For *England*.

Thomas Ld. *Ellesmere*, Ld. Chancellor of *England*, *Tho. E.* of *Dorset*, Ld. Treasurer of *England*, *Charles E.* of *Nottingham*, Ld. High Admiral of *England*, *Henry E.* of *Southampton*, *William E.* of *Pembroke*,

broke, Henry E. of Northampton, Richard Bishop of London, Toby Bishop of Duresme, Anthony Bishop of S. Davids, Robert Ld. Cecil principal Secretary to His Majesty, Edward Ld. Zouch, Lord President of Wales, William Ld. Monteagle, Ralph Ld. Eure, Edmund Ld. Sheffield Lord President of the Council in the North, Lords of the Higher House of this present Parliament; and Tho. Ld. Clinton, Robert Ld. Buckhurst, Sir Francis Hastings Kt. Sir John Stanhope Kt. Vice-Chamberlain to the King's Majesty, Sir John Herbert Kt. 2d. Secretary to His Majesty, Sir George Carew Kt. Vice-Chamberlain to the Queen's Majesty, Sir Tho. Strickland Kt. Sir Edward Stafford Kt. Sir Henry Nevil of Berkshire Kt. Sir Richard Bulkley Kt. Sir Henry Billingsley Kt. Sir Daniel Dnn Kt. Dean of the Arches, Sir Edward Hobby Kt. Sir John Savile Kt. Sir Robert Wroth Kt. Sir Thomas Chaloner Kt. Sir Robert Mannsfel Kt. Sir Thomas Ridgeway Kt. Sir Thomas Holcroft Kt. Sir Thomas Hesketh Kt. His Majesties Attorney of the Court of Wards and Liveries, Sir Francis Bacon Kt. Sir Lawrence Tanfield Kt. Serjeant at Law, Sir Henry Hubbard Kt. Serjeant at Law, Sir John Bennet Kt. Doctor of the Laws, Sir Henry Withrington, Sir Ralf Gray and Sir Thomas Lake Kts. Robert Askewith, Thomas James and Henry Chapman, Merchants.

We do not find among our Authors any particular of the Debates of these Commissioners: *Spotswood* in his History *Fol. 481.* gives in a Draught of the Articles they agreed on, which for want of Room I only refer the Reader to, but having obtained from good hands, a Manuscript of Sir George Mackenzies, being a little like a Journal of their Proceedings, I could not but think it very much to the purpose, to insert it in the Appendix to this Work, where may be seen the true Ground Plat of the present Union, and the Interest of both Kingdoms, clearly stated — as it stood then, and saving in matters of Religion remains still, see Appendix N 12.

These Articles thus mutually agreed, were Engrossed and Signed by the Commissioners on both Sides, and presented to the King the 6th. of December 1604 —; But it was observed That the Earl of Salisbury at the presenting the Draught to the King, expressed it to be the meaning of the Commissioners, That these Articles were but an imperfect Agreement, and that they were willing to finish and go through the same when ever he pleased.

However, the King offered it to the Parliament of England, and as *Spotswood* says, Recommended it Earnestly to them; But the more secret History of that Affair, was, That the King himself falling in at that Time with the English Clergy, and Opposing the Prosperity of his own Countrey, upon the Score of Religion and absolute Will, found Ways and Means to puzzle this Cause in Parliament; and First, The difficulty of the *Post-Nati*, a Thing, which had the English at that Time purposed a hearty Union, would never have stuck with them, occasioned long Struggle, and at last the Parliament referr'd it to the Common Law; While this was doing, the National Aversion, particularly in England, seemed to revive, and the pub-

lick Appearances in *England* of a Spirit of Division, were such, as one observes, That very well discover'd the King was become an *English Man*, otherwise he would never have born with those Invectives and Railings at *Scotland*, which Sir Thomas Craig in his Book *De Unionis Regnorum*, says, were then publicly used in the Pulpits and in Printed Books, while their King was a *Scotsman*.

Nor was this all, but the King in stead of forwarding the Union of the two Kingdoms, or promoting the particular Advantage of *Scotland*, fell in with the arbitrary Projects of that Time, to make himself Absolute in *Scotland* —, as he was also doing in *England*. This would lead me into a vast Ocean of National Confusions, which received their Rise and Conception in the Tyrannical Temper of this Prince, in which he laid the Foundation of the Ruine of his Posterity, which as remote to my present Business, purposely I Omit.

As to Union, nothing further was done till the year 1660 —, and till that Time, which was about 36 years, the Subjects of *Scotland* enjoyed a Freedom of Commerce in Common with the *English*, to all the *English* Colonies; But then some Acts in *England* passing in prejudice of that Freedom of Commerce, the *Scots* renewed their Complaints, and a Commission says, Sir George Mackenzie was granted in the 3^d. Session of the first Parliament of Charles 2^d. in *Scotland*, and by an Act at the same time in *England*, Nominating Commissioners to Adjust these Differences; This was in 1666.

These Commissioners met the 21st. January 1667, and the *Scots* Commissioners gave in a Proposal to the *English*, for settling the Differences about Trade, which Paper I have also given you from an Original Manuscript of the said Sir George Mackenzie, and which you will find in the Appendix N^o. 13.

The Debates which followed this Paper, says Sir George, served only to shew the King the Necessity of Commencing a further Treaty, viz. Of a Union, and how Ineffectual all other Treaties would be to bring about the publick Peace of the two Nations.

To this End, a Parliament being called in *Scotland* the 19th. of October 1667, and the *English* Parliament meeting the same Day, he caused the great Affair of an Union to be proposed to both at the same time; The Parliament of *Scotland*, by their Letter to the King, expressed their Readiness to concur with the Proposal; And that they would grant Commission to such, as His Majesty should Nominate for that Purpose, to Treat as their Representatives; And left it to the King to Name the Time, Place, and Quorum of their Meetings —; This being the Substance of the Letter, I have omitted the Letter it self, which is to be seen in the Registers in *Edinburgh*.

The Parliament of *England*, by what Affairs obstructed I shall not determine, did nothing in it that session, but reassumed it in 1670, and Impowered the King by an Act 22. Carol. 2. almost in the Terms the *Scots* had done before.

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The Parliament of Scotland pursuant to this, granted a Commission for a Treaty, which was almost *Verbatim* the same with that granted in England; that no Debates might arise between the Commissioners of both Kingdoms, about the Difference of their Commissions, as had fallen out in the year 1604.

And because I shall endeavour to relate Matter of Fact, Abstracted from my own Observations in this History, I have with some Difficulty, obtained an Original Manuscript of the Minutes of this short Treaty —; Which are as follows.

A Transcript of the Treaty in 1670.

Wednesday the 14 of September 1670.

“In the two and twentieth year of the Reign of our Sovereign Lord Charles the second, by the Grace of GOD, of England, Scotland, France and Ireland King, Defender of the Faith, &c. An Act passed the Parliament of England, Intituled, *An Act authorizing certain Commissioners of the Realm of England, to Treat with the Commissioners of Scotland, for the Well of both Kingdoms*; And in the same year, an Act passed in the Parliament of Scotland to the same Effect.

“In pursuance of which Acts, and His Majesties Commissions under the Great Seals of England and Scotland, the Commissioners in the said Commissions named, are all this day in the Exchequer Chamber at *Westminster*, where His Majesties Commission under the Great Seal of England was Read publicly by the Clerk attending the Commissioners for England, and also His Majesties Commission under the Great Seal of Scotland, by the Clerk attending the Commissioners for Scotland; Which being done, The Lord Keeper of the Great Seal of England, did let their Lordships know, That His Majesty had appointed *Somerset-House* for their future Sitting in this Affair, and (by consent of all their Lordships) Adjourned their next Meeting to be at *Somerset-House* on Saturday next, at Nine a Clock in the Forenoon.

At Somerset-House.

Saturday the 17. day of September 1670.

“This day the Commissioners of both Kingdoms being met, the Lord Keeper of the Great Seal of England, delivered to the Earl of *Lauderdale* Lord High Commissioner for Scotland, a Copy in Parchment of His Majesties Commission under the Great Seal of England, Attested by the Clerk attending the

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English

English Commissioners, and received from his Lordship the like Copy of the Commission under the Great Seal of Scotland; Then their Lordships received a Message from His Majesty in Writing, and Heads therein proposed to be Treated of; Which being Read, the Commissioners of both Kingdoms agreed, to consider against their next Meeting, in what Method to proceed upon His Majesties Message, and also in what manner their Lordships shall deliver their Opinions at their General Meetings, upon which the next General Meeting of the Commissioners was Adjourned to Thursday the 22 of September instant, at Nine a Clock in the Forenoon. After this Adjournment, the Commissioners for England withdrew into their own Chamber, among themselves, to consider of the Method of their Proceedings in this Treaty.

“Where first the Lord Keeper of the Great Seal, and the Lord Ailington acquainted the rest of the Commissioners then present, That His Majesty had appointed Mr. John Walker to attend their Lordships as their Clerk, which their Lordships approved of, and ordered that he should subscribe their Orders and Papers; (By Order of the Commissioners for the Kingdom of England, John Walker Clerk.

“Then upon Debate, it was resolved, That nothing which shall be in Debate or Assented, shall be taken as the Opinion or Resolution of the Commissioners of either Kingdom, or drawn into consequence, or any way made use of, unless the whole be mutually Agreed to: Also, that their Lordships would not Treat by Papers, (as in the Treaty of 1667,) but that the joynt Resolutions of the Commissioners at their General Meetings only, be reduced into Writing, and Entred by both their Clerks. Next, It was resolved, That these two Propositions be offered to the Commissioners for Scotland, at their Lordships next General Meeting, as Preliminaries to be joyntly Agreed and Resolved on.

“Then were Read the several Heads offered to their Lordships Consideration, in His Majesties Message, and upon Debate, it was Agreed, That the Lord Keeper of the Great Seal let the Commissioners for Scotland (at the next General Meeting) know, That upon due consideration had, their Lordships offered the third Head proposed in His Majesties Message (viz. The Uniting both Kingdoms into one Monarchy under His Majesty, his Heirs and Successors inseparably) to be the first Point to be Debated; and then, That his Lordship desire the Commissioners for Scotland, to propose, on which of the two first Heads to proceed next; But that their Lordships were of Opinion, not to proceed on the fourth or fifth Heads, till the others be agreed to.

Thursday

Thursday the 22d. of September 1670.

" Before the General Meeting of the Commissioners of both Kingdoms, this day the Commissioners for *England* met in their own Chamber, and it was agreed, That what the Lord Keeper shall propose at the General Meeting, be done in the Name of the Commissioners.

" Then the Commissioners of both Kingdoms being met, the Lord Keeper of the Great Seal offered to the Board what the Commissioners for *England* had agreed on, on *Saturday* last, as Preliminaries for the better proceeding in this Treaty, the Substance whereof being assented to by the Commissioners for *Scotland*, it was agreed, the Committee of the Commissioners of both Kingdoms should be appointed for the Wording of what was agreed to, and to Report unto the Board.

" Also his Lordship proposed the Third Head in His Majesties Message to be the First Article to be debated, which was assented to by the Lords Commissioners for *Scotland*; But some Objection being made against the Words (*And Successors*) in that Head, the Commissioners for *England* withdrew to their Chamber to consider thereof, and what Words were fit to be assented to; Where, after some Debate, their Lordships resolved, That, if the Commissioners for *Scotland*, at their Lordships Return, should insist upon leaving out these Words, (*And Successors*) to yield to them therein.

" While the Commissioners for *England* were in their Chamber, a Message was brought from the Commissioners for *Scotland* by their Clerk, to know whether their Lordships would Name their Committee there, or at the Board; Upon which their Lordships Named the Earl of *Anglesey*, Master Attourney General, and Sir *Leoline Jenkins*, and returned Answer, That they had Named a Committee of their Commissioners.

" Then the Commissioners returning to the General Meeting, after some Debate upon the Third Head, agreed to leave out the Words (*And Successors*), and that the Monarchy be Stiled by the Name of *Great-Britain*. Then the Lords Commissioners for *Scotland* let their Lordships know, That they had appointed the Earl of *Kincardine*, the Lord Advocate, and Sir *Robert Murray*, to be their Committee; And the Commissioners for *England* Named the Earl of *Anglesey*, Master Attourney General, and Sir *Leoline Jenkins*, whom they had appointed to be of the said Committee; Which Committee were also appointed to Word the Third Head as agreed to, and to meet when and where they pleased, so as to be ready to make a Report on *Saturday* next. Afterward the Lord Keeper proposed to the Consideration of the Commissioners for *Scotland*, Whether they would proceed next upon the First or Second Head mentioned in His Majesties Message; Then the Commissioners for *Scotland* declared to enter upon the Debate of the

‘ First Head (viz. The preserving to either Kingdom their
 ‘ Laws, Civil and Ecclesiastical intire) on *Saturday* next,
 ‘ which being agreed to, the next Meeting, by their Lordships
 ‘ General Agreement, was adjourned to *Saturday* next, at Nine
 ‘ a Clock in the Forenoon.

“ The Order for the Committee was drawn as follows, viz.

Thursday the 22d. of September 1670.

“ Lords Committees Nominated by the Commissioners, Ap-
 ‘ pointed to Treat concerning an Union between *England* and
 ‘ *Scotland*, for the Wording the Two Preliminaries, and the
 ‘ Third Head of His Majesties Message, as this Day agreed to,
 ‘ at their Lordships General Meeting, in order to the entering
 ‘ them by the respective Clerks attending the Commissioners
 ‘ of both Kingdoms.

Earl *Anglesey*.
 Master Attourney General.
 Sir *Leoline Jenkins*.

Earl *Kincardine*.
 Lord Advocate.
 Sir *Robert Murray*.

“ Their Lordships to meet when and where they please, so
 ‘ as a Report be ready for the Board by *Saturday* next, at
 ‘ Nine a Clock in the Forenoon.

Friday the 23d. of September 1670.

“ The Lords Committees above-mentioned met at Nine a
 ‘ Clock in the Forenoon at the Earl of *Anglesey*’s House, and
 ‘ after Consideration had, agreed, That the Particulars com-
 ‘ mitted to their Charge be Worded as followeth.

Preliminary Articles:

“ That the manner of proceeding between the Commis-
 ‘ sioners of both Kingdoms be by Conference and Debate, and
 ‘ that the Result of their Debates be put in Writing by a Com-
 ‘ mittee of the Commissioners of both Kingdoms; And after
 ‘ Approbation thereof, the Copies of such Writings be deliver-
 ‘ ed to the Commissioners interchangeably, signed by their re-
 ‘ spective Clerks, and then entred in the respective Books, and
 ‘ signed by both Clerks.

“ That nothing agreed on, or assented to by the Com-
 ‘ missioners of both Kingdoms, in their Treaty, shall be
 ‘ taken as the Opinion or Resolution of the said Commissioners,
 ‘ nor drawn into Consequence, or any way made use of, unless
 ‘ the whole which shall be agreed to, be reduced into Instru-
 ‘ ments Tripartite under the Hands and Seals of the said Com-
 ‘ missioners, according to their respective Commissions.

Articles

Articles of the Union.

“Resolved, That the two Kingdoms shall be United into one Monarchy under His Majesty, and his Heirs inseparably.

“2. That the Name of this Monarchy shall be, GREAT BRITAIN.

Saturday the 24th. of September, 1670.

“The Commissioners for *England* being met in their Chamber, the Earl of *Anglesey* Reported what the Committee of the Commissioners of both Kingdoms had prepared, pursuant to their Lordships Order, at the General Meeting of the Commissioners of both Kingdoms, upon consideration had whereof, it was proposed, That some Words might be added to the second Preliminary Article, to take off all Jealousies that may remain of any use to be made hereafter, of what shall be put into Instruments *Tripartite*, if the Parliaments of both Kingdoms shall not think fit to Confirm the same, whereupon a Message was sent from their Lordships to the Commissioners of *Scotland*, (in their Chamber) to desire, That the Committee of the Commissioners of both Kingdoms might meet again presently in the Great Room, which being consented to, the said Committee met, and agreed to alter and add to the second Preliminary, in manner following.

“That nothing which shall be Agreed, or Assented to by the Commissioners of both Kingdoms in their Treaty, shall be taken as the Opinion or Resolution of the said Commissioners, nor drawn into Consequence, or any ways made use of as such, until the whole, which shall be Agreed unto, be reduced into Instruments *Tripartite*, under the Hands and Seals of the said Commissioners, according to their respective Commissions, nor then neither, unless the same being presented to, shall be Approved and Ratified by the respective Parliaments, so as this Preliminary be not understood to leave room for Debate, or Change of any thing by the Commissioners, which shall be put under their Hands and Seals, as aforesaid.

Which Alteration and Addition, being Reported by the Earl of *Anglesey* to the Commissioners for *England*, was Approved of.

“Then the Commissioners for *Scotland* sent a Message to the Commissioners for *England*, desiring that the said Committee might meet again presently in the Great Room, which was agreed to, where being met, the Committee of the Commissioners for *Scotland*, proposed an Addition to be made to the first Article of Union agreed upon, of these Words, (They
§ G being

‘being of the Progeny and Posterity of King James, His Majesties
 ‘Royal Grandfather of Glorious Memory) Which Addition the
 ‘Earl of *Anglesey* Reported to the Commissioners for *England*,
 ‘whose Lordships upon Debate thereof, agreed to offer at the
 ‘General Meeting of the Commissioners of both Kingdoms,
 ‘the Article thus altered. That the two Kingdoms shall be in-
 ‘separably United into one Monarchy under His Majesty and
 ‘the Heirs of his Body, and for want of such Heirs, under the
 ‘Body of King *James* His Majesties Royal Grandfather of Glo-
 ‘rious Memory.

“Then the Commissioners of both Kingdoms being met,
 ‘the Lord Keeper of the Great Seal Read the two Preliminary
 ‘Articles, prepared by the said Committees, to which the
 ‘Commissioners for *Scotland* declared their Agreement, and the
 ‘Commissioners for *England* theirs ; Also his Lordship Read
 ‘the two Articles of Union upon the third Head in His Ma-
 ‘jesties Message, worded by the said Committees, with the
 ‘Addition of such Words, as the Commissioners for *England*
 ‘upon the Motion of the Commissioners for *Scotland* thought
 ‘fit to Assent unto, to which Articles the whole Board con-
 ‘senting, the said Preliminary Articles of Union were writ-
 ‘ten fair, and signed by the respective Clerks, and then (being
 ‘openly Read again by the Clerk attending the Commissioners
 ‘for *England*) were interchangeably delivered to the Com-
 ‘missioners of both Kingdoms, to be Entred in their respective
 ‘Books, and signed by both Clerks.

“Next the Earl of *Lauderdale*, Lord Commissioner for
 ‘*Scotland*, offered the first Head in his Majesties Message, to
 ‘be then proceeded on (*vis.*) The preserving to either King-
 ‘dom their Laws Civil and Ecclesiastical Intire, to which his
 ‘Lordship declared, they did agree in General, but differed as
 ‘to the Meaning of it ; Thus,

“That the Laws and Customs, Civil, Criminal, and Ec-
 ‘clesiastick Judicatories and Offices of either Kingdom be pre-
 ‘served, and remain intire in all time coming, as they are before
 ‘the Union. And that all Actions, Processes, Causes and Questi-
 ‘ons Civil, Criminal, or Ecclesiastical, concerning the Subjects
 ‘of *Scotland*, or any of them in their Lives, Rights, Proper-
 ‘ties, or other Interests in *Scotland*, be only Tryed, Judged,
 ‘and Determined in *Scotland*, by the Ordinary and Compe-
 ‘tent Judicatories there, and shall not be Heard, pursued, or
 ‘Judged in *England*, in the first Instance, or by way of Ap-
 ‘peal, Review, Reduction, or by any other way whatso-
 ‘ever.

‘After some Debate had hereupon at the Board, to the End
 ‘their Lordships might the better consider thereof, the Lord
 ‘Keeper (by the General Consent of the Commissioners of
 ‘both Kingdoms) Adjourned the next Meeting to *Thursday*
 ‘the 13th. Day of *October* next, at Nine a Clock in the Fore-
 ‘noon.

After

“ After which, the Commissioners for *England* met in their own Chamber, to debate and prepare themselves upon this Point against the next General Meeting, and after some time spent thereupon, departed.

Thursday the 13th. of October 1670.

“ This Day the Commissioners for both Kingdoms present being met in the great Room, the Earl of *Lauderdale* did intimate to their Lordships, That, in regard of His Majesties being at present at *New-Market*, where many of the Commissioners appointed for this Treaty are attending on His Majesty, he conceived there was sufficient Reason for adjourning their Proceedings for some few Days longer, upon which (by the general Consent of the Commissioners present) the next Meeting was appointed to be on *Thursday the 20th. of October* instant, at Nine a Clock in the Forenoon.

Thursday the 20th. of October 1670.

“ The Commissioners for *England* being met in their Chamber, the First Head proposed in His Majesties Message was read, with the Proposition made by the Commissioners for *Scotland*, as an Explanation thereof, Which being debated by their Lordships (after some time spent) it was agreed, to desire the Commissioners for *Scotland* to express their Meaning more clearly, as to the Legislative Power of the Parliament, which will be for *Great Britain* after the Union. Upon which the Commissioners for both Kingdoms being met, the Lord Keeper offered to the Board, That the Commissioners for *England* had considered of the Proposition made by the Commissioners for *Scotland* upon the First Head in His Majesties Message, now under Consideration, And having read the Proposition, told their Lordships, That, as the Proposition is made, the Parliament which will be for *Great-Britain*, will have no Legislative Power to alter or change any Laws, how grievous soever, Besides, there will be no Power any where to alter the Laws in *Scotland*, tho' the Subjects of *Scotland* should desire it, And therefore desired their Lordships, the Commissioners for *Scotland*, to Explain their Meaning upon that Proposition.

“ Whereupon the Commissioners for *Scotland* desired to withdraw, whose Lordships soon after returning, the Earl of *Lauderdale* delivered the Meaning of the Commissioners for *Scotland* as follows, viz. Our Meaning is not hereby to determine every particular Law of *Scotland* to be unalterable, but we cannot say any thing to the way of al-

tering, till the next Article concerning the Parliament be Treated.

" Upon which the Commissioners for *England* desired to withdraw for a while, to consider of what was offered, and return presently.

" Whose Lordships being withdrawn to their own Chamber, the said Answer of the Commissioners for *Scotland* was there read; And upon some Consideration had thereof, it was agreed, to take a little more time to consider more fully thereof; And upon their Return, to propose the same to the Board, and a present Adjournment. Then the Commissioners for *England* being returned into the great Room, the Lord Keeper did let the Board know, That their Lordships conceive the Matter proposed worthy a little more time, in which it might be better considered, as well by their Lordships the Commissioners for *Scotland*, as the Commissioners for *England*; Whereupon, by the general Consent of the Commissioners of both Kingdoms, the next Meeting was adjourned to *Saturday* the 22^d. instant, at Nine a Clock in the Forenoon.

Saturday the 22^d. of *October* 1670.

" The Commissioners for *England* being met in their Chamber, read the last Paper delivered by the Commissioners for *Scotland*, and thereupon agreed to offer at the Board, That they are ready, if their Lordships of *Scotland* please, to proceed upon the Second Head proposed in His Majesties Message, viz. The Uniting both Parliaments into One, and to receive what the Commissioners for *Scotland* shall offer thereupon.

" Then the Commissioners for both Kingdoms being met, the Lord Keeper expressed the Sense of the Commissioners for *England*, upon the Exposition made by the Commissioners for *Scotland*, upon the First Head proposed in His Majesties Message, and did let the Board know, That, if their Lordships of *Scotland* think fit, they are ready to proceed upon that Head, and if they pleased to offer any Particulars upon it, the Commissioners for *England* were ready to proceed thereupon.

" Upon which the Commissioners for *Scotland* declared their Willingness to proceed upon that Head, but desired time to consider of what shall be thought fit to be offered on either Side upon it, until another Meeting.

" Whereupon, by the general Consent of the Commissioners for both Kingdoms, the next Meeting was adjourned to *Thursday* the 27th. instant, at Three a Clock in the Afternoon.

" Then the Commissioners for *England* returned to their Chamber, to consider in what manner to proceed upon the
said

• said Head, and after some time spent, agreed to hear what
 • the Commissioners for *Scotland* will, at their next Meeting,
 • propose upon that Head.

• “By His Majesties Order on the 26th. of *October*, the next
 • Meeting of the Commissioners of both Kingdoms was put off
 • to *Tuesday* the First of *November* 1670, at Nine a Clock in
 • the Forenoon.

Tuesday the 1st. of *November* 1670.

• “The Commissioners for *England* being met in their Cham-
 • ber, to consider of the Second Head in His Majesties Mes-
 • sage now to be Treated on, agreed to propose to the Com-
 • missioners for *Scotland*, That, conceiving their Lordships in-
 • tend a Proportion of Number of Members to Sit in both
 • Houses of the Parliament, which shall be for *Great-Britain*,
 • they desire to know from the Commissioners for *Scotland*,
 • what that Proportion shall be for *Scotland* as to *Eng-
 • land*.

• “Then the Commissioners of both Kingdoms being met,
 • the Earl of *Lauderdale* declared, That, according to Agree-
 • ment, the Commissioners for *Scotland* were ready to proceed
 • upon the said Second Head.

• “To which the Lord Keeper Answered, That the Commis-
 • sioners for *England* did likewise agree to it, but supposing
 • the Commissioners for *Scotland* intend a Proportion of Mem-
 • bers as to the Ballance of that Parliament, desired to know,
 • what that Proportion shall be for *Scotland* as to *Eng-
 • land*.

• “Upon which the Earl of *Lauderdale* declared, That they
 • came to this Treaty by the Authority of the Parliament of
 • *Scotland*, and were Named by His Majesty; And they did
 • not see how their Number should be less, than now it is in
 • the Parliament of *Scotland*, without Incapacitating some Peers
 • in *Scotland*, and cutting off some Shires and Royal Burrows
 • from sending Members to Parliament, which would be a
 • hard Task to undertake; Their Lordships being to give an
 • Account of this Treaty to the Parliament of *Scotland*; Upon
 • which the Lord Keeper told them, That their Lordships hav-
 • ing proposed a Thing, which the Commissioners for *England*
 • could not expect, it would be fit to take some time to consi-
 • der thereof; Which being agreed to, the next Meeting (by
 • the general Consent of the Board) was adjourned to *Tuesday*
 • the 8th. of *November* instant, at Three a Clock in the After-
 • noon, to debate this Subject.

• “Then the Commissioners for *England* being returned to
 • their Chamber, after some Debate it was agreed, to desire
 • Master Attourney General to draw some Reasons to be offer-
 • ed to their Lordships Consideration, at their next Meeting.

S H

• against

‘ against what the Commissioners for *Scotland* have proposed,
 ‘ concerning their Parliament being intirely United to the
 ‘ Parliament of *England*.

Tuesday the 8th. of *November* 1670.

“ The Meeting of the Commissioners of both Kingdoms intended to be this Day, was put off till *Saturday* next the 12th. of this instant, at Three in the Afternoon.

“ By His Majesties Order on the 11th. of *November* 1670, the next Meeting of the Commissioners of both Kingdoms was adjourned to the last *Thursday* in *March* next coming. And never met more.

Any one that peruses this short Treaty, or rather Conference, may see, That these Times were not Tempered for an Effectual Union; And those that know any Thing of the Secret History of that Day, will also know, there were private Designs then on Foot, which made a nearer Union, inconsistent with the Views of the Court.

The *Scots* insisted on a Conjunction of Parliaments, not an Incorporation of Foundations, as has now been proposed; *England* durst never hear of such a Conjunction of Parliaments, on Account of Church Matters; Knowing, That, tho’ Episcopacy was then Established in *Scotland*, yet, that the Secret Bent of that Nation was Presbyterian; and they durst not think of a Conjunction of Houses on that Score.

And here I would ask leave of the Gentlemen in *Scotland*, who have Opposed the present Union, in regard of its Hazard to the Presbyterian Church, to Re-mind them, what reason they have to look back to the Days of this Treaty, and be Thankful, That the Union was not Compassed at this Time; and to consider why they should have ventured putting it off to a further Time, since, had it happned in that Time, when Episcopacy had the Face of a legal Establishment in *Scotland*, the Presbyterian Church had for ever sunk under its Weight, and been Exploded by the Laws of both Kingdoms; both Kingdoms had been obliged to keep it down, and it could never, *Miracles* excepted, have recovered it self in that Nation.

And thus I have Traced the several Endeavours to Unite these Kingdoms in former Times, in which I have been as Breif as I can: I shall conclude this with only one Remark, which I believe will appear to be just; Thro’ the whole Course of the several Treaties hitherto named, the first excepted, which was disappointed by a meer Judgment from Heaven, I mean the Death of the Maid of *Norway*; All the rest of the Proposals for Union between these Kingdoms, met with their particular Obstructions from Popery, *French*-Interest, Home-Tyranny or Court-Intrigues; These were
 [the

UNIONS in BRITAIN.

the only Enemies of Union, and I believe it may, without Partiality be added, *AND SO IT IS NOW:*

We are now come to the present Times, King *James* the II. in *England*, or VII. in *Scotland*, had no other Union in View, but that of Uniting all his Kingdoms, to the Church of *Rome*, and this put him upon Measures perfectly distinct from all that had gone before him, from whence we have had Two Famous *Revolutions* in *Britain*, one in the Regal State of both Kingdoms, the other in the Ecclesiastick State of *Scotland*, from Episcopal to Presbyterian: — This was no sooner brought to pass, but *Scotland* put the King in mind of their Desires to Unite, in their Letter to King *William*, Of which presently —. But all that Prince's Reign, this good Design met with Obstructions, of which I shall be something particular in its place. And thus we are brought down to Queen *Anne*, in whose Reign this great Work was once Attempted, but proved Abortive, and at the second Essay was brought to Perfection, as will be seen in the Sequel of this Story.

CH 2

OF

OF
AFFAIRS
IN BOTH
KINGDOMS,
INTRODUCTORY OF
A TREATY of UNION.

BEFORE I enter upon the Proceedings in the Reign of Queen ANNE, towards a General Union of these Kingdoms, it is absolutely necessary to the right Understanding of Things, to take a short View of the Posture of Publick Affairs in the respective Kingdoms, and what it was that rendered the Union so absolutely Necessary at this Time, that to all Considering People, who made any tolerable Judgment of Things, it was plain, there was no other way left, to prevent the most Bloody War that ever had been between the two Nations.

At the Revolution, as has been already Noted, and several times during the Reign of the late King *William*, Motions had been made frequently both on the King's Side and on the Peoples also, to come to a Treaty; But that Prince had always one Thing or other cast in his Way, to prevent his good Design.

The King was often heard to say, That this Island could never be Easie without a Union, and if either of them understood their own Happiness, they would never rest till it was brought to pass. And, as I had the Honour to mention it once among other Things, in a Scheme of General Peace among the Protestant Interests in *Europe*, I can not forget, That His Majesty Expressing some Concern at it, Returned, *I have done all I can in that Affair, but I do not see a Temper in either Nation that looks like it*—; And added, after some other Discourse, *It may be done, but not yet.*

During

During the whole Reign of this Prince, the Breaches between the two Kindgdoms rather Widened and Increased, than tended to a Close, and several National Unkindnesses past between them, which prepared both Sides as it were to Reflect upon, and Reproach the other; There wanted not also a Set of wicked Instruments always to blow the Coals of Discord between the Kingdoms into a Flame, and if possible, to bring the Nations to a Rupture.

Some of these Passages which, I say, tended to Estrange the Nations, and as it were prepare them for a Breach, rather than for an Union, were these,

The settling an *African or Indian Company* in *Scotland*, and the several Clashings of Interest between the two Nations on that Head.

The Affairs of *Glenco*.

The Difficulties about the Succession and Limitations.

The Act of Security there.

The Act in *England* Intituled, *An Act for preventing Dangers arising from the Act of Security in Scotland*.

The Seizing the Ship the *Worcester*, and Execution of Captain *Green*, and several others —

All these Things concurred, to convince those that had the least Knowledge of Affairs in both Kingdoms, that nothing but an Union could prevent the Nations falling all to pieces, as soon as ever the Queen should Die, if not sooner; and that therefore it was immediately and heartily to be set about, as the only way to preserve the publick Tranquillity, and prevent the certain Mischiefs that threatened the whole Body.

I shall not enter into a particular History of these several Cases, as being too tedious for this Tract, but as 'tis necessary to say something of them, to convey the right Understanding of these Matters to Posterity, and that more regularly to introduce the General Thing I am upon, viz. The Union, I cannot wholly Omit them.

And First, For the *African Company*, the large Commission that Company obtained, by which they seem'd to Rival the *English*, both in their *Guinea*, *East-India*, and *West-India* Trade, was ill relish'd by the *English*, who at that Time were in an Odd and Unsettled Posture, as to those Trades at Home. And as this is not rightly understood by a great many, that run round about for Reasons of the *English* Parliament's falling upon that Affair, it may not be a miss to set it in a clearer Light.

The *English East-India* Trade, being for a long time Prescrib'd in the narrow Limits of an exclusive Company, who Tyrannized not a little in their absolute Management of that Trade, and became Grievous to the rest of the Merchants, many Attempts were made to lay open their Stock, and Increase so great, and so Beneficial a Trade; But the Company withstood all the Attempts that way, and kept all Invaders off; till at last by the mighty Advance of Two Millions to the Government, the New *East-Indian* Company got a Charter, and set up against them —; How they Rival'd

one another, and with mighty Struggles, too much Embarrassed the whole Nation; till the King himself was obliged to concern himself in Uniting them, and how he brought that great Work to pass, are Things not so much to my present purpose; But at this time, viz. 26 June 1699, the Scots Company obtained their Settlement.

What ever Prospects the Projectors of that Company had in their View, some of which will, *I doubt*, hardly bear a History, I never heard one of them pretend, That either the Stock to carry it on, or the Market for their Trade, could be found in *Scotland*, and from hence, with other particular Objections, which I believe they never Debated, I pretend to say, They could never really propose any rational probability of Success.

If they imagined to obtain Help from Abroad, they indeed were in the right, for they could not but know, That the Merchants in *England* would leap at a Proposal to get into the *East-India* Trade, free from the Bondage of the Company mentioned before —; But if they imagined also, That this could do less than Embark the *English* Government against them, and bring the Publick to concern themselves about it, they were exceeding Short-sighted, or must at the same Time believe, the other very Ignorant in the Affairs before them.

The first Step the Company took, was to open Books for Subscriptions at *London*, and afterwards at *Hamburg*, and this was no sooner done, but the *English* Company took the Alarm at both; and obtained by their Interest with the Government, Instructions to the *English* Resident at *Hamburg*, to Oppose it there, which was done most effectually. The *English* Resident, as it was said, tacitely Threatning the *Hamburgers*, That the *English* should remove their Staple of Cloth to the City of *Bremen*, and ruine the Trade of *Hamburg*, whether he did actually Threaten them so or no, I do not Affirm, but 'tis certain, he so managed Affairs, that the Subscriptions begun there, were stopt, and the Design on that Side effectually ruined; Then they, *I mean the English East-India Company*, Applied themselves to the *English* Parliament, and by offering plausible Reasons there, soon obtained their Votes against it also, and against any of the Subjects of *England* subscribing to it, and the Scots Merchants who had subscribed in *England*, were ordered to be Impeacht of a Misdemeanour, tho' the Parliament being near a Close, those Impeachments dropt of course.

These things had the desired Effect, for they crushed the Attempt of raising a New East-India Company in these Parts of the World, and the Projectors then played their other Game of *Darien*, in which they had the same Unhappiness, viz. To put the *English* Nation under a Necessity of Opposing them.

I do readily allow, the first Scheme of a Trade to the *East-Indies* had a Probability of Success in it, a Thing I can not grant to the Affair of *Darien*; which, I think, had not one Branch belonging to its Contrivance, but what was Big with necessary Abortions, such

such as remote Mines of Gold to be gained and maintained by Force against the Spaniards, in which England could not without Breach of Faith assist, such as a Trade for European Goods with the Spanish Colonies, which must always have been by Force or by Stealth, and neither of these had any Rational Probability.

As to their Trade over Land to the South Seas, and thence to the Indies, tho' much boasted of, it answers for it self, and seems a too Impracticable Whimsy to merit any Reply, much like that other Dream of making a Navigation, or Communication between the South Seas and the Gulph of Mexico, by the River of Darien —; Which, if all were done, and the Distance measured to that Part of India, to which we chiefly Trade, viz. The Coast of Coromandel, Surrat, Bay of Bengal, &c. I think any Body will determine the Voyage by the Cape de Bon Esperance, the better Passage by much, and very little if any thing longer.

But to come to the Case, the Company, or rather the Projectors, who had now embark'd the Gentlemen in a Subscription of 400000 Pounds Sterling, carried on their Design, and with Two Ships.

Men and a Cargo perfectly unqualified for any kind of Trade, either with English, or Spaniards, set Sail, and landing at Darien, made a Settlement there, fortified themselves, and prepared to maintain it.

• The Spaniards, who claim a Right there, and whether that Right be disputeable or no, is not the Question here, immediately proceed by a double Method, first, To prepare to dislodge them by Force, and secondly, Apply themselves to the King of England, claiming, by virtue of the Treaty made with England, Ratified and Exchanged, That no Succour should be given to the Scots from any of the English Colonies in America.

This, as an express Stipulation, could not be denied by the English Court, and accordingly a Proclamation was exhibited by the King of England, and sent to all the English Plantations, forbidding Trade or Correspondence with them.

I cannot help saying, had the Managers of the Companies Affairs had the least Forecast of Things, they could not but have expected all that happened here, And also might have known, That, had they Acted right, those Proclamations could have done them no manner of Damage.

Whoever has the least Knowledge of the Affairs of that Country, and of the Trade of the English Colonies, must needs know, That, had the Scots Company, who had plac'd themselves at Darien, been furnish'd either with Money, or Letters of Credit, they had never wanted Provisions, or come to any other Disaster, notwithstanding the Proclamations of the English against Correspondence.

Not will any Man be so vain to say, That they ought to have ventured on such a Settlement, depending on Supplies from the English, especially when, in their Affairs of Hamburg and London, which were before all this, they had seen the English concerning themselves,

themselves against their Company; Much less should they have gone to Plant themselves in a Climate unfit for Product it self, with neither Cash, nor Credit, to Buy in other Places.

At last 'tis apparent, That, notwithstanding the Proclamations, and after all the Officious Care of the Governours of the *English* Colonies, yet several Sloops of Provisions came to them, but found them on the other Hand unfurnish'd to purchase, except with such Goods as were fit for no Market, nor could they give Bills any where to make Good the Value.

The Trade to the *Spanish West Indies* is forbidden in those Parts, under the severest Penalties of Loss of Goods, Confiscation of the Ship, and Death of the People; And yet we see, That, at *Jamaica* for the *English*, and *Curaçoe* for the *Dutch*, they carry on a prodigious Trade encouraged by the Gain of it:

Had the *Scots* at *Darien* had any thing sufficient to encourage the Traders thither, they had never wanted Provisions; And as they were unprovided that way, they must have starved, had there been no Prohibitions at all, for they would have found few of the Planters, or Merchants of the Colonies, inclined to have furnish'd them without Money.

This I think clears up the Case sufficiently, and therefore I shall say no more to it here; 'Tis thus far to the present Purpose. That, This Disaster of the *Scots*, be the Fault where it will, was one of the great Occasions of Ill Blood between the Nations, while those that took all Opportunities to widen our Breaches on both Sides, continually cryed out in *England*, That the *Scots* were encroaching upon our Trade, and setting up a New *East-India* Trade —; And, on the other Hand, in *Scotland*, they complained of the Unnatural and Barbarous Treatment of the *English* —; Both which took with the Common People of either Nations, to the Unspeakable Disquieting of their Minds, and raising continual Reproaches against one another, without giving themselves leave to enquire into the Grounds and Reasons of Things.

I have been the larger on this Head, because I think this to be the first Handle that our Quarrellsome People took Hold of to Object against one another, and on which the future Jealousies between the Nations were pretended to be built.

The Affair of *Glenco* was another Step to National Breaches; And tho' every Body tells me, I must handle this very gently, perhaps they may see, there is not so much Cause for it, as they imagine.

And having the Honour to have had something of this from Persons very near the King, and perhaps from His Majesties own Mouth; I shall only state the General so far as it has been reported to the Injury of that Glorious Prince, and to the exciting National Animosities between us.

In doing this, I shall only avoid Naming of Persons, let the Guilt dye in their Graves, we are not now calling up the Persons to Judgment, but setting the Matter in a clear Light.

That

That the *Glenco-men* among several other *Clans* of the *Highlanders*, were Enemies to the Government at that time, had been in Arms under *Dundee*, and had on all occasions shown their implacable Aversion to King *William*, and all the Interest of the Revolution, needs no Proof, and is own'd even by the greatest Friends to the Cause.

That these People were not only very troublesome, but dangerous, and had committed several Hostilities, Murders, Robberies and Depredations, on both the Innocent Country People their Neighbours, as well as on the Garrisons of Souldiers plac'd on that side to suppress them, is also out of dispute.

The Defence made for this is short, That they were fair Enemies and had profess'd open War.

It is Answered thus, That

1. They cannot be own'd as open Enemies, because they really had no Commissions from King *James*. And 2^{ly}, The War was as it were suppress'd; the Generality had laid down their Arms, and submitted; and these as a few Desperado's kept up the Quarrel rather as an advantage of Rapine and Plunder, than a Service to their pretended Master, or his Cause.

2. Suppose them at open War, It has been the known Practice in War, when a Governour of a Garrison holds out without Expectation of Relief, without any prospect but meer Desperation and Mischief, to give such no Quarter; no Conditions at all, but even after taking the Place to hang them up in cold Blood, as wild Beasts, that make no fair War, and deserve no fair Treatment.

As His Majesty had this Account given him of these People, and I do not find but it was a true Account too, it was the Advice of the General and Officers employ'd at that time, that it was a Mischief which as Times then went might be very dangerous to the Publick; & that therefore it behoved them to take some immediate Course with them; And since desperate Mischiefs require Remedies of the same kind, they thought the first Force the best, and propos'd to march immediately with a Body of Troops into the Place, and intirely root them out as a Den of Thieves and Destroyers, without which the peaceable Subjects could never be safe, nor the Government be easie; That the Charge of maintaining Troops there, was an intolerable Burden to the Countrey, and as there was no other way could prevail to preserve the Peace, it was absolutely necessary to come to Extremity.

His Majesty, who by his Experience in Military Affairs, was soon convinc'd both of the Justice in Point of War, & Necessity in Point of Government of this Advice; yet out of His meer Goodness of Disposition & general Clemency, answered, *He agreed to their Reasons*, but required that before any such Extremities should be used with them, a Proclamation should be published, offering Pardon, or Remission for all Violences, and Villanies past, to all these People without Exception, who within a certain time should come in, lay down their

Arms, and submit to the Government, and take the Oaths as peaceable Subjects.

'Tis here visible that His Majesties Intentions were not only Just and Honourable to these People, *tho his implacable Enemies*, but that he resolved like a merciful Prince, to try all reasonable Methods of Tendernefs, and Goodnefs, if possible, to keep the Peace, and save the Offenders too.

With this Proclamation, Commission was given to the Military Power, if this merciful Method could not prevail, they should proceed to Extremities; and by Force of Arms destroy all those that should stand out, and not comply with the Proclamation. And His Majesties Orders were, as far as relates to this part, as follows.

The Instructions were to Sir Thomas Livingstoun, dated Jan. 11. 1692. the first Clause is thus,

You are hereby Ordered and Authorized to march our Troops which are now posted at Innerlochic and Innernefs to act against those Highland Rebels who have not taken the benefite of Our Indemnity, by Fire and Sword, and all manner of Hostilities, to burn their Houses, seize or destroy their Goods, Cattel, Plenishing or Clothes, and to cut off the Men.

The Fourth Article runs thus,

That the Rebels may not think themselves absolutely desperate, we allow you to give Terms and Quarters, but we are so convinc'd of the Necessity of Severity, and that they cannot be reclaim'd, that we will not allow you to give any other Terms to Chistains, Heretors, or Leaders, but to be Prisoners of War, whereby their Lives are saved; but for all other things they must surrender on Mercy, and take the Oath of Alledgeance.

In Additional Instructions, one Clause is thus dated 16 Jan. 1692.

If that Mackean of Glenco and his Tribe can be well separated from the rest, it will be a proper Vindication of the publick Justice to extirpate that Sect of Thieves.

Thus far I think I may undertake to say His Majesty proceeded, by the known Custom of all the most just Governments in the World, and it would be needless to Examine Histories to bring Precedents here to justify the Method.

It is certain, and all Men allow that the *Glenco-men* had not complied with the Proclamation; Nay they had rejected two Indemnities.

I know 'tis objected, that *Glenco* came and took the Oath six days after the time, made a legal and just Excuse, and sent word of his willingness to comply with it, and that it was only a Trespas of Time, which they supposed he had repaired, that the end of the Proclamation was answered; and that the King who was mercifully inclin'd, would never have taken the Lives of People resolved to submit for a Trespas of days.

To this I answer, as His Majesty himself did in that Case, that indeed had he been in the Field, and on the Spot, and that Excuse had been sent to him, he might have accepted it —, But that as

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Commissions in Cases of War, are to be punctually Executed, he could not require it of the Officers to accept it, as an Excuse against a positive Proclamation, and an express Order; Besides, I do not find any, but the Chief had gone thus far, the rest not having come in at all.

It is alledged, That the Execution was from private Malice —, but none could ever yet have the Face to charge His Majesty with that, and I could never hear of any Reason given why the Commanders of the Forces should have any, much less those at whom the Scandal of it was pointed, upon pretence of giving Unwarrantable Orders.

But the Case chiefly lyes here, the Men fell under the Misfortune of a Crisis in War, they brought themselves into it by an Omission of Time, to say, They could not avoid it, does not reach the Case, if the Officers can be charged with any private Revenge in this Case, I have only this to say.

1. I never yet saw any Reason to think so, no Personal Grudge or Quarrel ever appeared, that I ever met with, or was so much as —, alledged in it, or Gain pretended to be made by it, if the E. of B. — had any private Game, it neither affected the King, nor the other Persons Charged with the Thing.

2. If it were so, it no way affects the King, against whom the Reproach of this Affair is since pointed, who acted nothing but what was agreeable to the Laws of War, and mixt it with that General Blessing of his Temper, an unusual Clemency.

If the Commission given was Executed with Barbarity, and Blood, Killing People in what we call cold Blood, surprizing them in Peace, and Dependence on Safety, all this will turn upon the Merits of the first Cause; For if they were by the Laws of War to be Destroyed, all manner of Surprizes become Justified by the same Law: As to the Cruelties and Excesses of the Furious Soldiers, no Man can have the Face to Reproach His Majesty with that.

The Grand Question remains yet behind, Why did not the King cause the Offenders to be made Examples, and severely punish the Murderers.

I shall Answer,

1: If His Majesties Peculiar was too much Clemency, I think some of those that make loudest Exclamations on this Article ought to be silent, since, had Exemplar Justice been His Majesties Employment from his first Landing, we should have no Reason to have said, It was a Bloodless Revolution, nor they perhaps have been alive to Complain.

2. For the Reasons aforesaid, His Majesty often said, it was a Moot-point in War, whether they had broke Orders or no, and tho' I have the Honour to know, that His Majesty exceedingly resented the Manner, yet it did not appear at all, that they had laid themselves open to Military Justice in it,

or so much as given ground to call them to account before a Council of War.

As to National or Civil Justice, the Memory of the King can never be Reflected upon in that, unless some Persons had pursued them at Law, obtained Sentence against them, and His Majesty had Protected them from the Prosecution or Execution of such Sentences.

Thus far, I think, the King himself is intirely clear of this Matter, who else may have been Guilty, and how, either of breaking Orders, going beyond them on Niceties, and Executing them with Barbarities, I have no Occasion to enter upon here; I shall be far from Defending such Things, and I am sure His Majesty was far from Approving it.

But this is more compleatly Answered, by putting the World in mind, That His Majesty did refer the Prosecution of that Affair wholly to the Parliament, as more particularly appears by the Parliaments Address of Thanks to His Majesty for so doing.

And that in their Prosecution, they found no room for legal Process, except against the Officer who Executed the Orders in a manner so Barbarous, which Officer fled from Justice, and was Proscribed for not Compearing.

So that here was no legal Process interrupted, but all was Frankly remitted by His Majesty to the severest Methods of Justice, which if it would not reach the Persons concerned, 'tis very hard the Slander should reach the King.

It might be said here, You have no Occasion to Defend the King's Memory in this Case, since the Parliament of *Scotland* clear'd His Majesty, by their Unanimous Vote of 14th. of *June*, viz. That His Majesties Instructions contained no Warrant for the Execution of the *Glenco* Men.

I shall only Note, That it is true the Parliament pass'd such a Vote, and 'tis as true, the King resent'd very ill their Usage of him, as he had great Reason to do, frequently repeating, That he Thank'd the Parliament of *Scotland*, they had us'd him better than *England* had done his Grandfather, for they had Try'd him for his Life, and brought him in *NOT GUILTY*. I must confess, it was very Unaccountable the House should pass such a Vote upon their Sovereign, whom no Man had had the Impudence to owne a Reflection upon, in the Case, tho' they did it Clandestinely; and it had much better have become them, to have Searched after, and Punish'd those that Slandered the King on that Account.

But the Reproaching the King, and those employ'd by him, and who under him gave Orders in it, had its Party Uses; what End it answer'd at that Time, is very well known, and would make a very good History, to the Reproach of some Pretenders to Revolution Principles; But I choose to bury these Things in Silence, neither are they any part of this Design.

I have Assign'd this as a second Ground of National Animosity, not that it was Acted by any of the *English* Nation, but as the

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Gentlemen who improved it, turned it all against the King, it was still furnishing matter of Railry against the Revolution, and Succession, which both turned upon one Point, and was now supported and pushed on in *Scotland*, by the Interest and Influence of the *English* Court.

I have Digrest upon the Subject on no other Ground, than to clear up the Reproaches which Envy would fain fix on the King and his Memory, which, I think, not at all accountable for it.

3. The next General Head, on which our National Discontents have been Revived, and indeed which has been strangely Issued, has been the Succession of the Crown.

This has a long Chain of Derivations to fetch it from, but I'll Contract them into as small a Compass as I can.

The Original of the whole Debate is to be placed, if we will do Justice, in His late Majesties sincere and constant Care for the Peace and Security of these Kingdoms.

The King had seen the Prospects of an *Union* fly like a remote Shadow, as it were out of Ken, and finding reason to lay aside the Thoughts of that blessed Conjunction, he found the next Step needful was, to preserve the Publick Peace, and hand down our Liberties to Posterity, under the same Security he had so happily Fixt them in; in order to this, His Majesty began to set himself seriously to Work, to settle the Succession of the Crown in the Protestant Line.

Before I enter into this large Field, I must take one Opportunity more to Exalt the Memory of the King, and put these Nations in mind of the Care that Prince took, abstracted from his own Interest, to settle both the Liberties and Religion of this Island, in spite of all the ill Treatment he met with here.

Upon the Revolution, a great deal of Clamour and Reproach had been Level'd at the King, as if he pursued his own Interest in the taking the Crown of *England*, tho' I must acknowledge I am at a Loss, to find out what he Gain'd by it, tho' I have had Opportunities to know something of His Majesties Affairs; But sure, no Body could Charge His Majesty with having an Eye to his Interest, in what should happen after his Death; He could have nothing to propose to himself beyond the Grave; It could be of no Moment to him, who should Enjoy the Crown after him, since he had no Children of his own, nor could he expect the Succession should come to any Branch of his Family.

Covetousness and Ambition may guide Princes in their Pursuit of Honours and Possessions, to themselves and their Families, but when a Prince has no Family, no Relations that can Enjoy after him, it can not be Rational to talk of Ambition or Interest in that Case.

His Majesties Memory is therefore Untainted, and even the Enemies of his Fame are Defeated *here*; for *the very pretence fails them*, his Anxiety for the Settlement of the Succession, could favour of nothing but a meer Concern and Respect for the Interest, Safety,

and Liberty of the Countrey, and let any Man give any other rational Account of it, if he can, *But this is by the way.*

In pursu't of this Original Design, His Majesty laid the Ground-Plot of the Succession to the House of *Hannover*, went himself to *Hannover*, and thence to *Zell*, to Concert the Measures of it on that Side, Master'd some Difficulties there too, and then propos'd it to the *English* Parllament.

How it pass'd in the *English* Nation, what Opposition was made to it *there, and by whom*, what subsequent Laws were made to strengthen and support it, is not much to the present Purpose to Examine, Histories are full of the particular Circumstances, and no Body that knows any thing of what pass'd in those Times, can be ignorant of it.

It remain'd only to make the same Provision for *Scotland*, and the King began to turn his Eyes thither, when he was taken off by Death; And Queen *ANNE* Succeeded not to his Crown only, but to the same Care and Concern for the Publick Peace, and for the Settlement of the Nations, by securing the Succession of the Crown.

But to look into *Scotland* a little, the *Scots* receiv'd the Proposal of the Succession, with more Coldness & Diffidence than was expected; and the Heats occasioned by the Debates on both Sides, were Extraordinary; The Opposition made to the Continuation of their United State in a Successor, had a specious and most unanswerable Pretence to be made for it, tho' it was made Use of by two sorts of People, with a quite different Prospect.

The *Scots* had been very sensible of the visible Decay of Trade, Wealth, and Inhabitants in their Country, even from the first giving away their Kings to the *English* Succession, and as the Sinking Condition of their Nation, was plainly owing to the Loss of their Court, Concourse of People, the Disadvantages of Trade, and the Influence the *English* had over their Kings; So it was as plain, there was no way to Recover themselves, but either better Terms of Union and Alliance, or a Returning back to their separate Self-Existing State.

The most Considering and Disinterested People, Reflected back upon their Ease Complying with the *English*, and Joyning with the Revolution, without any Conditions made for themselves with *England* as a Nation; And plainly said, If they had demanded better Terms, they might have had them, since their Joyning at that Time was a Thing of such Consequence, and upon which so much did Depend, that *England* could not have denied them, and what they had to ask was so reasonable, that nothing in reason could have been objected.

The People who were of this Opinion, being some of them at the same Time, as far from Embarking in the wrong Interest, Mov'd Strenuously for a Treaty with *England*, to ascertain the Conditions, Chiefly respecting Commerce, on which they were willing to settle

settle the Crown, but were Unanimously for refusing to settle it at all, *but with such a Treaty.*

As these Gentlemen insisted upon a Treaty with *England*, in case they settled the Succession with them, so they considered in the next place of Limitations, both in case of failing of such Treaty, or in case of its being Concluded, in order to preserve the Liberties of the People, and to Assert the Right and Power of Parliaments; And one of these Limitations was, That in case the Treaty did not succeed then in the settling the Crown, it was Provided, the Successor should not be King or Queen of *England*:

And yet I confess it seems plain to me, the Design of these People was not against having the Succession settled even in Conjunction with *England*, as it now is, and their General Behaviour since, Confirms this Opinion, besides the General Character of the Men themselves, but their Design appeared plainly to bring *England* over to such Terms in Matters of Commerce, as really it appeared *Scotland* wanted, and as *England* ought to Grant.

'Tis true, a Party Joyn'd in this, that were against any Conjunction at all, that were against any Succession but that of King *James*, and whose real Design was against the General Correspondence of the Nations, and both Sides had People among them who made use of these Things, further and further to Divide the Nation.

Nor did they fail of Success, for this was taken very Hainously in *England*, especially by the ignorant kind of People, and they began in *England* to Treat the *Scots* very Courtesly; The Writers of the Age began to Discuss the separate Sovereignties, and Exalt the Titles of either Side.

In *England*, one Doctor *Drake* Writes a Preface to an Abridgement of the *Scots* History, wherein speaking something Reflecting upon the Freedom and Independency of *Scotland*, the *Scots* Parliament caused it to be Burnt by the Hangman at *Edinburgh*. Another *English* Author Writes of the Absolute Dominion of the *English* Crown over the Crown of *Scotland*, but he received the just Punishment of being little regarded; Another Writes of the easiness of Reducing *Scotland* by Arms——. Against these Mr. *Anderson*, *Hodges*, and others, Write of the Antiquity, Freedom, and Independency of *Scotland*, Asserting it in the Face of the World, for which Books the Parliament Rewarded them publickly.

Thus, on both Sides, the Case stood between the Nations, a Pen and Ink War made a daily Noise in either Kingdom, and this served to Exasperate the People in such a manner, one against another, that never have two Nations Run upon one another in such a manner, and come off without Blows.

The Heats on both Sides being thus strangely blown up, and the People of either Kingdom beginning to run into Excesses——, just in this Juncture, as if the Nature and Necessity of the Thing had driven both Nations to it, the Queen proposes to the respective Parliaments, a Treaty of Union to be begun between the two Kingdoms; This was in the year 1702, the Well-Wishers to the Na-

tions Peace earnestly longed for this Union on both Sides; But I cannot say that they had equal Expectations of it, as Times then went.

It was the first year of Her Majesty's Reign, and the Administration of things being then *in bands* in both Kingdoms, which Her Majesty afterward thought fit to change, there is not so much wonder why this Treaty came to nothing.

There had been Obstructions to the Design in *Scotland*, where Things were yet carried with more Jealousie of the *English* Court than afterwards they saw Reason to do; This occasioned a Protest from one sort of Gentlemen against the Queens Naming the Commissioners to Treat —; But even the very Gentlemen who protested, thought fit afterwards to come in to the Union as it was proposed, and had no small Influence in the Success of it.

The Success of the Union no doubt depended upon the Choice of the Persons appointed to Treat, and this depended very much on the Representation of the Ministry in either Nation to the Queen. As to the Ministry in *Scotland* I shall say nothing, the Gentlemen nominated there might perhaps have come into Measures for a Treaty well enough, most of the former Treators being the same as afterwards finished it —; But the Design of the Ministry in *England* seemed to act upon Measures not so consistent with the true Intent and Meaning of the Treaty as could have been wished.

Again the Jealousies on both sides about Church Affairs, in respect to the Union, were the ground of such Difficulties as no Body could surmount, and lay as a Secret Mine, with which that Party who designed to keep the Nation divided, were sure to blow it up at last, and therefore knew that all they did till that Point was difficult signified nothing, and that when ever they pleased to put an end to it, they had an immediate Opportunity.

Without therefore entring upon such just Reflections as I might very well be allowed to make upon the several Persons, and Parts acting and acted in that, *I had almost said sham Treaty*, I may place the whole Miscarriages of it very justly upon *this one Particular, viz.* That the Affairs of Religion were left to the absolute Determination and Appointment of the Treators, and this might have instructed any Body that this Treaty would come to nothing, since it was morally impracticable that the Nice Article of Religion, as it particularly then stood between the two Churches, could have been settled to the mutual Satisfaction of both Kingdoms by a Commission, in which there was not one Person deputed or named by the Church, or instructed by them to enter upon the several Articles of a Treaty on either Hand.

I know it has been said, *and perhaps there may have been some Truth in it*, That the Article of Religion was to have lien passive and dormant, and neither Side was to have concerned themselves about it, by which some would have had it understood, that either Side was to remain in the Condition they were then in —, and that this was the Meaning of the words of a certain Person, who when
he

he was ask't, what Care was taken of the Church in that Treaty, Reply'd, *For GOD's Sake, let Us have no more of that Fargon.*

I confess, It's a charitable Construction of the Words, to say, The Author only meant that Things should be left to stand as they were, and the Treators should have no other Concern about it,—— but I presume those People hardly considered that then the Establishment of either Church had been left intirely to the future Disposition of a *British* Parliament, who, whenever they were governed by a Majority on this or that Side might have Over-whelmed intirely the *Scots* Settlement, and erected Episcopacy upon them, or *Vice versa* with the Church of *England*: And I presume neither Church would have thought themselves safe upon such a Foundation, I am sure, they would not have had Reason to have thought so.

Such a Precarious Union must needs have begot future Convulsions in both Kingdoms; And if We may judge by what has happned since, the Treators would have met with but very Ordinary Reception in *Scotland* when they came Home, and the abandoning the Church to the Mercy of the Parliament, which was in Effect, giving Her up to the Church of *England*, would certainly have Inflamed the whole Countrey.

It is therefore the much kinder Reflection to say these Gentlemen never designed any Union at all, since to suppose the other, would be to suggest that they designed to give up their Native Countrey to a Bondage in Matters Religious, which they knew was Intolerable to their Countrey, and to lead them by the Hand to an Inevitable Breach between the Nations.

For this Reason I say, that Treaty was never sincerely design'd; if it was, it must reflect either upon the Understandings, or upon the Integrity of the Persons concern'd.

However, as I am here upon Matters of History, and collecting together all that has been done with relation to uniting the Kingdoms, as well what was Abortive as what came to Perfection; I think this Work cannot be compleat without giving you the Minutes of this Treaty also, as far as it proceeded —; But because I would not interrupt the Threed of History, I have adjourned it to the *Appendix*, where you have it at large, as I received it from the hand of a Person of Honour and undoubted Integrity, who was one of the Commissioners to that Treaty, and wrote it down with his own Hand. The Minutes are marked in the *Appendix* (N 14.)

Upon the breaking up of this Treaty, three things happned to the further widening the unhappy Breaches between the Nations, which however they discovered the furious Temper of a Party of Men in both Kingdoms, ready and forward to inflame us and involve both Nations in Blood, yet their evil Design had this happy Issue, that it brought the Nations to the *Crisis* which inevitably brought on the great Treaty; it put us all into such a Condition, that nothing but a Treaty for a nearer Union, or a Bloody and Irreconcilable Rupture could be the Consequence —. And this I

take to be a moving Argument, which in the Judgment of the Ministry made the Treaty of Union absolutely necessary, and thus the greatest Good came out of the greatest designed Evil.

The first of these was the Affair of Captain *Green* and the Ship *Worcester*. About the an *English* Ship called the *Worcester* of *London*, Captain *Thomas Green* Commander, Homeward-bound from the *East-Indies*, put into *Scotland*, whether by contrary Winds, or for Convoy, or on what other occasion is not to the purpose.

The *African* Company there having a Ship formerly seized by the *East-India* Company in *London*, as she was fitting out in the River of *Thames*; And for which they had in vain solicited Restitution, they obtain of the Government a Power to Seize and Stop this Ship by way of Reprisal.

Accordingly the Ship was seized on, and brought into *Brunt-island*, and some time passed while the Ship lay under such Circumstances.

During this Time, some of the Ships Crew, whether in their Drink, or otherwise, let fall some Words, implying that they had been Pirating, and particularly some very suspicious Discourses, intimating that there had been Blood in the Case.

This prompted further Enquiries, and at last a plain and particular Information was procured, that this Captain *Green* with this Ship *Worcester* had met with a *Scots* Ship commanded by one *Drummond* in the *East-Indies*, had made Prize of the Ship, and Murthered *Drummond* and all his Crew.

These suspicious and dark Speeches were so taken hold of, and tract'd, that at last it came upon the Stage, and brought *Green* and his Ships Crew into the Course of publick Justice, and after a very long Tryal, they were found guilty of *Piracy*, *Robbery* and *Murder*; And particularly the Captain and five more were condemned to *Dye* for it, and the Captain with two more were accordingly executed.

It is not the work of this Book to relate that Story at its full length, but I can not pass it here without a short Abridgement of the Proceedings; Because as *Scotland* lyes under much Scandal on this Account, which, as to the Methods of publick Justice, I think she does not deserve, so the clearing up that Point, and the Relation it has to the present Subject I am upon, I think will come out Hand in Hand; and for that Reason I engage in it.

Some of *Green's* Men, either in their Anger, or their Cups, or both, having let fall Words that rendred him very much suspected of having been guilty of great Villanies, they were further watched in their Discourse by some that had taken hold of their Words, particularly two Negroes, one *Haines*, and another, who, it seems, being disgusted at the Captain, frequently let fall such Expressions as gave the Hearers Reason to suspect there had been great Villanies among them. These Speeches are all to be seen in the Depositions of the Witnesses, too long to repeat here, and particularly in the Printed Tryal, to which I refer.

I shall not take upon me here, either to Condemn or Acquit either Side, I know the World is divided on the Subject, some will have *Green* and his Crew, to be Guilty of all that is Charged on them; others say, The Company carried all against them, that they might have a good Pretence for Confiscating the Ship. But be that as it will, it is most certain, the Folly and Imprudence of the Men Hanged them, *to say no more.*

From a little to more, from dark Expressions, they fell to downright Quarrelling, and calling one another Names, which there seems to be good reason to believe, might in part be true on both Sides, *For some of them, however innocent of this Matter, had been, it seems, Guilty of Wickednesses of other sorts, black enough.*

This Folly of theirs, came at last to such a Hight, that it could be no longer Concealed, for it became the publick Discourse, That they had been Guilty not of Murder and Piracy only, but of Uncommon Barbarities, and not that only, but that it was particularly on a Scots Ship, and Scots Men, *viz. Captain Drummond, as aforesaid.*

At length it was brought to the Ears of the Government, and as the publick Justice of all Nations is obliged to take Cognisance of such Horrid Things as were here suggested, the Fellows were Examined, and they frankly Confessing, *Green* and five of his Men were taken up; The positive Evidence were only two *Negroes*, but others so Corroborated what they said, and Circumstances concurring, to make almost every Body believe the Fact, at least in that Hurry, they were upon a long Hearing severally found Guilty of Piracy and Murder.

There are sometimes such Crisis, such Junctures in Matters, when all Things shall concur to possess, not a Man, but even a Nation with a Belief, of what at another Time they would not believe, even upon the same Evidence; And, *in this*, Man seems acted by a kind of supernatural Influence, as if invisibly directed, to bring to pass some particular Thing pointed out by Providence to be done, for Reasons of his own, and known only to his Inscrutable Wisdom.

Just such a Case this seemed to be; the Circumstances of *Green* and his Crew, were very Unhappy for them; Their being put into *Scotland*, where they had no manner of Business, no Distress to Force them in; Their being Seized by the Company, the Men falling out among themselves, and being the open Instruments of Detecting, what no one ever could ha' Charged them with, their staying there when they might have gone, and had no more Business there, from whence some alledge, they had no power to depart; These, and more concurring Circumstances which were observed by the most curious, and some of which were Noted upon the Trial, seem'd to Jump together so visibly, that all People seem'd to acknowledge a wonderful and invisible Hand in it, directing and pointing out the Detecting some Horrible Crime, which Vengeance suffered not to go Unpunished.

Nor was this the sense of a few, but Generally speaking of the whole Nation, I mean of considering People, and such as usually notice such Things, and particularly of many of those who cried out loudest of the matter, when it was too late to apply any Remedy, in which, I cannot but think, they act Unkindly to their Country, and indeed very Unjustly, since, when the Conviction of such Circumstances was on the minds of the People, It is no wonder the Men were found Guilty by the Jury; and I perswade my self, they themselves would have done the same.

On their being found Guilty, they were not immediately Executed, but several Applications were made to *England* for their Reprive; the Council of *Scotland* Reprived them for some Days; And as some People began then to object, That the Evidence was but too slight, and that there was but one Witness to matter of Fact, and that the one Witness was but a *Negro*, That he was not capable of the Impressions of the Solemnity of an Oath, That there was Malice in it, and the like; On these, and other Considerations, the Government was so Tender of the Blood of the Men, that some have thought they had not Died, but for the Rage of the Common People, who hearing that they were further to be Reprived, got together in an unusual Multitude, on the Day appointed for their Execution, crying out for Justice.

And this part of the Story, is the Occasion of my relating so much of it, since the Tendency it had to inflame the Nations one against another, began here.

On the Day appointed for Execution, the Privy Council was Set, and the Magistrates of *Edinburgh* were called to Assist —, where the Point was Debated, Whether the Condemned Persons should be Executed, or no; I will not say the Rabble influenc'd the Council in their Determinations that way —; But this is certain, That the Discontent of the Common People was very well known, and that they were Furiously bent upon some Violent Methods, was very much feared —; That a vast Concourse of People was gathered at that Instant in the Parliament Clois, at the Cross, at the Prison, and throughout the whole City, that they publicly Threatened the Magistrates, and even the Council it self, in case they were not brought out that Day, and some talked of pulling down the Tolbooth, which if they had Attempted, they would have sacrificed them in a way more like that of *De Wit*, than an Execution of Justice.

However, it was the Council Determined the matter, that Three of them, *viz.* The Captain *Thomas Green*, *John Mather*, and *James Simpson*, who were thought to be Principals in the Murder, should be put to Death that Day.

When the Magistrates of *Edinburgh* came out, they assured the People, That they were Ordered to be Executed, and that if they would have a little patience, they would see them brought out; and this pacified them for the present.

Soon after the Council breaking up, My Lord Chancellor came out, and driving down the Street in his Coach, as he past by the Cross, some Body said aloud, *The Magistrates had but cheated them, and that the Council had repriv'd the Criminals* —; This running like Wild-fire was spread in a Moment among the People; immediately they ran in a Fury down the Street after the Chancellor, stopt his Coach just at the *Trone-Church*, broke the Glasses, abused his Servants, and forc't him out of the Coach; some Friends that were concerned for the Hazard he was in, got him into a House, so that he had no personal Hurt: 'twas in Vain for his Lordship to protest to them that the Men were ordered to be executed, they were then past Hearing of any Thing, the whole Town was in an Up-roar, and not the Mob of the City, but even from all the Adjacent Countrey was come together, Nothing, but the Blood of the Prisoners could appease them: and had not the Execution followed immediately, it cannot be express'd, what Mischief might have happened.

At last the Prisoners were brought out, and led through the Streets down to *Leith*, the Place of Execution, being by the Laws appointed there for Crimes committed upon the Sea —; The Fury and Rage of the People was such, that it is not to be express'd, and hardly did they suffer them to pass, or keep their Hands off from them as they went, but throw a thousand Insults, Taunts and Revilings; they were at last brought to the Gibbet erected at the Sea-Mark, and there hang'd.

Nor can I forget to Note, that no sooner was the Sacrifice made, and the Men dead, but even the same Rabble, so fickle is the Multitude, exclaim'd at their own Madness, and openly regrated what they had done, and were ready to tear one another to pieces for the Excess.

This was not acted there with more Fury, than it was with the outmost Indignation resented in *England* —, still I am to be understood of the common People; For the Government of neither Side had any Resentment or Dispute, all things having been carried on by legal Methods, Process and Tryal, according to the Form of Law and Usage of the Country.

But here was new Matter for the Enemies of both Nations to work upon, and too much Fewel was thrown into the Fire of National Contention on both Sides.

In *Scotland* it was said the Court of *England* would protect them, and they would be pardon'd, *only because they were Scots-Men that were murdered*. And the like.

In *England* it was said, the Rabble had cry'd out to hang them, because they were *English-men*, that they had said they wih't they could hang the whole Nation so, and that they insulted them as they went to Execution with the Name of *English Dogs*, &c.

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Nor was this the sense of a few, but Generally speaking of the whole Nation, I mean of considering People, and such as usually notice such Things, and particularly of many of those who cried out loudest of the matter, when it was too late to apply any Remedy, in which, I cannot but think, they act Unkindly to their Country, and indeed very Unjustly, since, when the Conviction of such Circumstances was on the minds of the People, it is no wonder the Men were found Guilty by the Jury; and I persuade my self, they themselves would have done the same.

On their being found Guilty, they were not immediately Executed, but several Applications were made to *England* for their Reprive; the Council of *Scotland* Reprived them for some Days; And as some People began then to object, That the Evidence was but too slight, and that there was but one Witness to matter of Fact, and that the one Witness was but a *Negro*, That he was not capable of the Impressions of the Solemnity of an Oath, That there was Malice in it, and the like; On these, and other Considerations, the Government was so Tender of the Blood of the Men, that some have thought they had not Died, but for the Rage of the Common People, who hearing that they were further to be Reprived, got together in an unusual Multitude, on the Day appointed for their Execution, crying out for Justice.

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able Aversions that might prepare them for Blood, and if in *England* it had gone a little higher, it would not have been safe for a *Scots* Man to have walk't the Street.

Certain it is, that tho the Men had been innocent, *for that was now alledged*, yet as they were condemned by a due Course of Law, Tryed and Executed by the common Form of Justice in that Country, and in the same manner by which their own Subjects were tryed and executed, the Fault must ly in the Witnesses and the Jury that believ'd them; But there could be no pretence to make it a National Quarrel at all.

That in *England* it had been but too frequent to Try and Condemn innocent Men, and that if Evidences swore the Fact, it might be the Misfortune of any innocent Man to fall under such a Disaster, the Crime lay in the Villany and Perjury of Witnesses, but the Nation could not be quarrelled on that Account.

But still these Things left a Corroded Mass of Ill Blood in the Minds of the People on either Side, & as Improved by the Malleous Fomenters of our Divisions, they were very Unhappy at that Time.

To Exasperate the People yet more, it was reported, That Captain *Drummond* was yet Living, that neither he, nor any of his Men was ever Touch't by *Green* or his Crew, and some Seamen who Landed in *England*, made Affidavits directly contrary to the Evidence that Hang'd them.

I shall no further enter into the Merits of the Case, than serves to the matter of National Heats —, The Thing was Generally, thought to be a hasty Execution, but the Argument, That it ought to be no Ground of a National Quarrel, prevailed in *England*, and the rest of the Prisoners in *Scotland* were Reprived from Time to Time, and at last let go.

In both these Cases, the Mischiefs of Tumult and Rabbles is to be observed, and how easie it is to set Nations on a flame, by the Violent Fomenting the Passions and Humours of the People, and how much these sort of Men are to be Detested, who blow the Coals of Strife and Dissention in a Nation, prompt the Fury of an Enraged Multitude to Fly in one anothers Faces, and Insult the Laws and Governments of both Countrys at once.

The End of this Account, is to make out what I at first Noted, concerning the Causes which wrought these two Nations up to such a Necessity of a Union, that either it must have been a Union or a War, the Animosities on both Sides being raised to such a pitch, that they could no longer have remained in the usual Medium of Peace —; Nor was this Unhappy Story, the least cause of the growing Aversion between us, which was now come to a very great Hight.

The second Head, to which I ascribe the growing Alienation between these two Kingdoms, was the Act of Security in *Scotland*.

This Act made a great Noise in the World, and was magnified in *England*, to such a Hight, that it was look'd upon as in effect a Declaration of War, to Commence at the Queen's Demise, and however

however designed, was effectually made so, by what after happened.

The Marquis of Tweeddale was High Commissioner to this Parliament, a Person of Extraordinary Temper, Candor and Modesty —; The matter of the Succession had in the preceeding Parliament been rejected, on this Supposition, That it was not Prudent for *Scotland* to Joyn with *England*, except such Conditions of Commerce and Navigation were first obtained by Treaty with *England*, as were Just and Honourable for *Scotland*, and abundance of Honest Gentlemen, who were far enough from so much as being suspected of Favouring the Jacobite Interest, joyned together in this Demand; They were willing to come into the Succession, provided they had such and such Conditions, as they thought were reasonable to be insisted on in behalf of *Scotland*, among which the Liberty and Freedom of Trade to the *English* Plantations was one —.

There were many very Learned Debates in the preceeding Parliament upon this Head; Great and Popular Speeches made on the Subject —, and the Act of Security was offered, and Voted, but could not then be pass, for Things began to run high in the Parliament, which occasioned a Recess.

This was taken in *England* in a most Hainous manner, and nothing was now talked of there, but the *Scots* Buying Arms and Ammunition, Training and Exercising their Men, and Mighty Things were suggested in *England*, which the *Scots* might do, and sometimes which they would do; The Printed News Papers gave a most Formidable Journal of the Duke of *Atchale* drawing out his Highlanders, Encamping three Days with Seven Thousand Men, how Armed, how well Officer'd, and the like; Another Paper told the World of Sixty Thousand Men in *Scotland*, Arm'd and Train'd, and ready to take the Field.

However absurd these Things were, and that Wiser Men who knew the State of *Scotland*, saw there was nothing in it, but what every Nation in the World would have done in the like case, that it was neither more nor less than Arming their Militia, and putting them into some Order, which, for several years past had been intirely neglected, yet I say, However absurd the Suggestions were, they were Improved in *England* to all manner of Extremes, and some most ridiculous Excesses were run into, both publick and private.

It is, no doubt, but as *Scotland* was acknowledged to be Independent, whatever the forward Pens of our Politicians would have pretended, yet I say, being acknowledged Independent even by the *English* Parliament, it was a very material Thing to have Her Concur in Establishing the Succession of the Crown, on the same Person, as *England* had done.

Two Things mov'd in this Affair on the *English* Side.

1. Some would not have it done at all, and therefore were for Irritating the *English* against the *Scots*, that it might come to a Rupture in stead of a Settlement, and this by putting it

upon *Scotland* to Declare, without a previous Treaty, which they knew would never be accepted.

2. Others would gladly have had the *Scots* come into the Succession, but were willing to have them do it without any Conditions, thinking that *Scotland* ought still be kept Low, for fear of their Principles, which lead them to be no Friends to the *English* Church Establishment.

Both these cried out, and Exclaim'd at this Act of Security, and represented it to the World, as if the *Scots* were going actually to separate from *England*.

There was one Clause in the Act of Security, which intirely Excluded the Successor to the Crown from Governing both Kingdoms together.

This the Enemies of *Scotland* presently Represented in *England*, as a Design to Restore King *James*, and a great many Honest People were brought in to believe, that the *Scots* even the Presbyterians themselves, were so alienated from *England*, and so obstinately bent against joyning with her on any account, that they would never again be under the same Head, nay that they would rather League themselves with *France*, and restore King *James*, than come to any Terms with her. And this was as it were confirmed when the *Scots* subsequent to these things passed an Act for Trading with *France*, tho' as their Circumstances then stood, it was very necessary to them.

Nor was this run to any thing less in *England*, and they began to talk loudly there of forcing the *Scots* to the Succession; But this was by such as either coveted a Breach between the two Nations upon any Terms, or really did not understand what they said. The latter appeared by their printing some Pieces to prove the Right of the House of *Hannover* to the Crown by Succession, a Thing all People that kno' any thing of the Affairs of *Europe*, kno' it was the Foundation upon which the present Establishment pretends to be built —, But on that much safer, and much more Divine Right of the *English* Constitution, and *Scots* also, I mean Parliamentary Limitation.

Things ran very high now in both Nations, the Measures taken in *Scotland* seem'd to be very well grounded, and their Aim well taken, for either *England* must comply with *Scotland*, as to such Treaties as were reasonable, or else she might have the Satisfaction to see clearly *Scotland* by this Act was plac'd in an intire separate State from her, who she wou'd joyn with, what Prince she wou'd bring in, where she would bestow her Crown, was not to the purpose; Two Things she had made plain.

1. That she was resolved to have it wholly in her own Hands, to bestow as she thought fit.

2. That wherever the *English* Crown was bestowed, the *Scots* Crown should not without Conditions be obtain'd.

This effectually Settled and Declar'd the Independency of *Scotland*,

land, and put her into a Posture fit to be treated with, either by *England*, or by any other Nation.

Nor did the Apprehensions which this gave the World of the *Scots* designing to restore King *James* do her any Disservice, for tho' nothing is more certain than that the *Jacobites as they are called*, conceived great Hopes from these Things, and flattered themselves exceedingly, that the Return of their King, *as they called him*, would be the Effect of all these Breaches; And therefore fell in heartily with all these Things, and as far as possible carried on the Aversion to a Settlement with *England*; Yet it is as certain, that the Gentlemen who mainly carried on this Project, had no more Eye that way than to the Great *Turk*, but were sincerely bent to the Prosperity of their Country, and the Establishment both Religious and Civil, as fully appeared afterwards by their heartily pursuing the Treaty that followed.

The Drift of the whole Matter was, the bringing *England* to Terms, bringing the *English* Nation to a Treaty, and tho' it is confessed that the Prospect was Remote and Melancholly, *England* at the time being averse to any such thing; yet as these Gentlemen saw there was no other way to redeem *Scotland* from the Discouragement she then lay under, with respect to the Absence of her Court, the Dependance of her Gentry and Nobility, the Limitations and Restrictions of Trade, which by the Act of Navigation she was fettered with, and several Disadvantages her present Conjunction, *which was made without any Treaty* laid her under —, and therefore they stood strictly and resolutely to their Measures, and the more the Court in *England* pushed at her joining in the Settlement, and used all possible means to bring it to pass, the more averse they appeared, and the farther they went off from it.

Thus I say this Act of Security being only attempted in the first Session of Parliament, was perfected in the next, and every day further and further Advances were made seemingly to an entire and lasting Separation of the Kingdoms from one another.

There were other Steps made to this on both Sides as to Matters of Trade, as shall appear immediately.

England who was all this while under a very unhappy Conduct, and acted upon quite different Foundations, from what we have seen her happily brought over to since, took the worst Measures upon the *Scots* Proceedings then, that ever a wise People could have taken; For the *English* Parliament sitting soon after, *viz.* 1704. the *Scots* Act of Security came to be considered, and however influenced by a precipitant Party, *God only knows*, they past an Act in my Opinion the most Impolitick, I had almost said unjust, that ever past that great Assembly.

This was that Act of Parliament, Intituled, *An Act to prevent the Mischiefs arising to England from the Act of Security in Scotland*. In which they in a manner declar'd open War with *Scotland*, unless by the 24th of *Decemb.* the next year they should settle the Crown in the

same Person as now settled in *England* —; For they appointed 24 Men of War to be fitted out, to prevent the *Scots* Trading with *France*, declared the *Scots* in *England* Aliens, and several other Articles, as in the Act it self may more at large appear.

This was done in that famous Parliament, called, *The Tacking Parliament*, and it was the less to be wondred at, Because, *which is the Subject I am at present upon*, the Heats between the Nations, which were at this time improv'd by the Parties on both Sides, were risen to a very great Hight, all things tended to Exasperations and Provocations, no Man of Temper seemed to show himself on either Hand, and those who bore the least Regard to the general Good of both Kingdoms, foresaw nothing but an unavoidable War between us; And indeed had Matters stood thus but a very little longer, it had been impossible to have avoided it, and that in a most unseasonable time for *Europe*, which was then engaged in the most furious and most critical Juncture of the War with *France*, being the year before the Battle at *Blenheim*.

Thus the Party in *Scotland* who had laid their Scheme, in hopes that *England* would have come into Measures for the general Good, saw themselves disappointed; and tho' its true, that had *England* then seen with the Eyes of her National Understanding, and had she not been ridden by a Party who openly pursued the Ruine of her very Constitution, I mean as establish't on the Revolution Principle, I say, had she not been under that unhappy Influence, she had taken other Measures, yet as it was, nothing was to be expected.

However, the Gentlemen in *Scotland* happily resolved to wait for the Issue of Things, and firmly adhered to their new Scheme; *Scotland* began to be talk't up in the World a little, and these very Enemies who, *as they thought*, wounded her by talking up the mighty formidable Things this Act of Security might produce, really raised her Reputation; nothing was more absurd, than their alarming *England* at the Chimeras of their own Heads, such as *Scotlands* buying 30000 stand of Arms in *Holland*, laying in 10000 Barrels of Powder, arming 60000 Men, and the like, all which in Reality was nothing at all but mustering their Train'd-bands, *as they call them* in *England*, and buying about 500 Barrels of Powder for the Castle of *Edinburgh*. In their alarming *England* I say, at these mighty things, they really raised the Reputation of *Scotland* in the World, and made her begin to make a different Figure in the Eyes of other Nations, and there is no doubt had things gone on to a Rupture, as wicked Men on both Sides wished, and good Men began to fear, *Scotland* might have found some powerful Princes willing to have accepted her Crown, and to have in the mean time Supported, Supplied and Encourag'd her to stand upon her own Feet.

But I'll do the Gentlemen who Managed this Affair, this Justice, that I believe they had it not at all in their Design, to fly to the Protection of any Foreign Power, no not to any Protestant Power in

in *Europe*, unless Forc'd to it by the precipitant Measures *England* was then in all probability going into; and if they had done it then, I can not see how they could have been blam'd —. But as to the present State of Things, the Gentlemen who Managed this *Parr*, seem'd to me, always to aim at obliging *England* to give them good Terms, and to put themselves in such a Posture in the World, as should make *England* see, it was worth their while to do so, as well as that they ought to do so; And this was so just a Step, and the Aim so well taken, as by the Consequence appeared, that I think, 'tis the greatest Panegyrick that can be made on those Gentlemen, to say, They brought to pass by it, all the great Things which GOD in his Providence has thought fit to do towards our Peace and Happiness in this Island.

If they did not design this, or had not this Honest Aim in View, they less deserve the Praise; but it is evident, Providence made their Measures Instrumental to bring it to pass.

Thus stood the Affairs of this Island, at the End of the Year 1705, when the Aversions between the two Kingdoms, by the several Steps I have noticed, was come to a great Height, the People seem'd Exasperated against one another to the highest Degree, the Governments seem'd bent to act Counter to one another in all their Councils; Trade Clash't between them in all its Circumstances, and every Parliament run further and further into the most disobliging Things that could be: *England* laid a new Impost upon *Scots* Cloth; *Scotland* Prohibited all the *English* Woollen Manufacture in General, and Erected Manufacturies among themselves, which, had they been prudently Managed too, might have been very Advantageous to them; But, of that by the way. *Scotland* freely and openly Exported their Wool to *France*, *Germany* and *Sweden*, to the irreparable Loss of the *English* Manufactures, having great Quantities of *English* Wool brought into *Scotland* over the Borders, which, it was impossible for *England* to prevent; So that the Famous Trade for Wool to *France* by *Rumney Marsh*, commonly called *Owling*, was intirely Dropt, and *France* not Supplied only, but Glutted with Wool.

On the other hand, *England* was proceeding to Prohibite the Importation of *Scots* Cattel, and to interrupt by Force their Trade with *France*, and had this last proceeded to Practice, all the World could not have prevented a War between both Nations.

But more prudent Counsels prevailed, and GOD's Providence Unravelled all these Schemes of Destruction, which mad Men had drawn for the Ruine of their Native Country; And as many times Things evil in their Design, are Over-ruled by an Invisible Hand, and bring to pass that very Good, which they were prepar'd to Destroy; Even so it was here, for these Confusions were the very Things that brought both the Nations to their Senses, I mean, brought them both to better Temper —; The consequences of a Bloody War just breaking out in the Bowels of their Native Country, in the Ruine and certain Desolation of which they must necessarily

cessarily have a great Share, opened the Eyes of the most thinking People on both Sides, even of those who in themselves had no real inclination to the Conjunction of the Kingdoms, and thus the Necessity of taking new Measures began to appear both ways.

In *England*, the Weight of the present War which every Day rather Increased than Decreased; In *Scotland*, their declining Condition and Disunited Circumstances; in *England*, the matter of Security in *Scotland*, the prospect of Advantage, all concurred to sway the Inclinations of Wise-men to heal these Breaches.

I have now shown by what Steps these two Nations were brought to the very Brink of mutual Destruction, and the Sequel of the Story will tell any body, who were the Parties that prompted both Nations to these Unhappy Extremes: I shall in the next place a little Examine how all this Tide of Mischief and Folly turned, and how they began to come to themselves in both Kingdoms, and this will so naturally lead us to the History of the Union, that I can not think of a more proper Introduction.

The Party in *England* who had the Reins of the Administration in their Hands, had given other Testimonies than this of their precipitant Measures, and as they had made not this Nation only Uneasie, but their own too, so as Things Generally take new Turns, when they come to Extremes, the *English* Nation began to be Alarm'd at the Proceedings, as tending to the Subversion of all the Fabrick of Government erected by the Revolution.

The occasion of all this, is too long to relate here, and the History of the Tacking the Occasional-Bill to the Money-Bill in that Parliament in *England*, is too well known, to need any Recital. It is enough to say here, That pushing at such Hot Measures in *England*, as is usual in all Precipitations, like an Ax struck upon a hard Stone, the Blow rebounded, and the Weapon flew out of the Hand of the Unskillful Workman —; the Project fail'd, the Party Overthrew themselves, and never Recover'd.

The Queen, far from approving the Extravagancies they were running Things to, and awakned by the Danger of her Peoples Liberties, which were as dear to her self as to them, finding to what Mischiefs these Warm Gentlemen were leading her, and being by the goodness of her Disposition, as well as Experience in the *English* Affairs, particularly Averse to Things Hard or Severe upon her People, much more so to all manner of illegal Severities —, put a full stop to this Career of Mischief —. And tho' indeed they had brought Things to the very Edge of Destruction both in *England*, on their own Business, as well as in the Affairs of the two Kingdoms, yet the Queen immediately shifting Hands, and Applying with her usual Wisdom, to the Establishing the Minds of her People, Retriv'd this whole Affair, restor'd *England* to the Tranquillity so much desired, filled up her Ministry, and all Offices of Trust, with Men of the same Candor and Moderation with her self, openly Abandoned and Discouraged the Measures of those People, who had run Things to such Excesses, and Re-settled the
Minds

Minds of her People, Distracted with Apprehensions of Ruine and Party-Confusion.

Thus the Ministry in *England* was intirely Changed, the Lord Keeper, Sir *Nathan Wright* Deposed, Sir *Edward Seymour* Comptroller of the Houshold put out of Her Family, the Earl of *Nottingham* Secretary of State, and several others laid aside; the Props of the High-flying Party, as they were called, were left out of the Council, and removed from their Places in the Government.

In the several Countries, the Peoples Approbation of Her Majesties Proceedings, and their Joy at this Change of Instruments, was testified by the Universal Contempt put upon the Affair of the Tacking, and of the Occasional-Bill, as well as of all Hot-Men and Hot-Measures; and this testified by the Change in their Elections of Parliament-men, a new Parliament being then to be Chosen, in which so General an Aversion to the Occasional-Bill, or any thing Invading the Toleration, and particularly to the Affair of the Tack appeared, that in spite of all Oppositions a great number of the Tacking Members were thrown out, and such a Change of Men appeared in the next Parliament, that whereas in the other Parliament, the High-Party had a Majority of Sixty Two or there about, for every Thing they joyn'd in; On the first Tryal of the Strength of the House, which was perhaps the Greatest that has been known of late Years, it appear'd the Whig-Party had the Majority by above Seventy Voices, and these by the turning out severals on the Trials of Elections, and other Circumstances, rose up to be above a Hundred, tho' after they seem'd to lose some Ground again, but it did not last.

Things being thus happily turned in *England*, and the first Step for the Establishing and Settling this new Party in their Seats of Management taken, it was wonderful to see the Change it made in all the Affairs of the Nation, how every Thing succeeded, unheard of Victories Abroad, unusual Chearfulness at Home, and a new Face of Prosperity seem'd to Guild the Affairs of the Nation, the Feuds of Parties died in every place; Peace, Union, and Temper began to be the Companion of every Society, and the Ancient Animosities between Neighbour and Neighbour, between Friend and Friend, which formerly crept, *not into Society only*, but even into our Families, and our very Beds, declined a pace; The Queen Encouraged Peace and Love, and Unity among her People, and pressed the Nation to it upon all Occasions, and all Good Men began to Encourage it by their Examples.

In this General Felicity of Affairs in *England*, *Scotland* came into Remembrance; Her Majesty as having an equal Regard to the Good of all Her Subjects, and as being justly Concerned, not for the Change of the Temper and Condition of Her People only, but for the Continuance of it to them in Ages to come, could not but be Solicitous for the removing the Obstructions which lay in the way on either Side.

When the Wifest Heads in both Nations had been Consulted with on this Article, tho' Opinions differ'd, yet no *Medium* could ever be found so Effectual to secure this Peace, and remove all possibility of a Fracture, like renewing the Treaty of Union.

And thus I am brought down to the General Article of the Treaty, by the meer Threed of the Story, the Feuds of Parties, the Folly of Statesmen, the Fury of Rabbles, and the General Reviving of the old Animosities between the People, had been Screwed up to a dangerous Hight, as is Noted already, by that very Party, who had on all Occasions, shown themselves Enemies to the present Establishment, and future Peace even of both Nations, and by this Method, they thought they had rendred the Succession to both Crowns Impracticable for the House of *Hannover*, and secured an inevitable Rupture between the Nations, when ever it should please GOD to Remove Her Majesty out of this World.

But great are the Wonders of Inscrutable Providence, these very Schemes contrived in the Deeps of Infernal Malice, Brooded on by that Party who ever Envied the Liberty of Protestants, and the Tranquility as well as Privileges Enjoy'd by the People of this whole Island, and Hatch'd by the warm Influence of a reigning Party, by which they Flattered themselves, They had effectually Overthrown the Project of a Union of the Kingdoms, made their Coalition Impossible, and all Schemes projected for it Impracticable; I say, these very Things made way for that same Union, they were Calculated to Destroy.

The Hight those Measures I have been speaking of, was brought to, made, as it were, a Force upon both Nations to come to this Treaty.

It was now but a few Months to come, when the Nations must directly fall out, *English* Men of War must be fitted out to cruise upon the *Scots*, and we that consented, or at least did not scruple to have the *Dutch* carry on a free Trade with *France*, must go & fight with our own Brethren for it —; Whereas, had we been in our Trading Senses, we would have done it our selves.

The Crisis things were come to now, was such, that they could no longer stand at a Stay, but we must fall out with the *Scots*, or unite with them, all Methods to bring them to settle the Succession without a Treaty had been in vain used by the Party before, who would gladly have Tricked them into it, but the *Scots* were too wise to fall into that Snare.

The present Ministry were for fairer Dealings with them at the same time, wisely concluding, that to gain of the *Scots* what they ought to grant, it was reasonable to grant to the *Scots* what they ought to have —, and that a Treaty with them might be made effectual, the only way was to set about it, upon an honest Foot, and then pursue it sincerely, and not upon Sharping and Tricking on either Side as before.

But

But there yet seemed to ly one invincible Obstruction in the way of this Treaty, and that was the Act of Parliament passed in *England* the last Session, which, as before noted, had declared a kind of War against the *Scots*, in case they did not come into the Succession by such a Day ; And upon the first Motion to a Treaty, the *Scots* declared they could not enter into any Treaty with *England*, till that Act was Repealed.

This had indeed a great deal of Reason in it, and such as could not be withstood, for the Honour of the *Scots* seemed very much impaired in that Act, and that they could not come to a Treaty upon equal Terms while such a Law stood in force upon them, which seem'd as if it had been a Sword over their Heads drawn to awe them into a Treaty.

The Queen, who was resolv'd if possible to bring this great Event to pass, and who strove to do it so, as might give all Her Subjects Satisfaction, undertook to clear up this Difficulty, and at the next Parliament which met in *England*, *Octob. 23. 1706*, in Her Speech to both Houses, Recommended the taking away of this Obstruction, by Repealing that Act, in order to introduce a Treaty of Union, which Her Majesty saw now more clearly in view than ever before.

I know there were strong Struggles in *England* against Repealing this Act, and that chiefly without Doors, the Party foreseeing, that if this Step was taken in Parliament, the Union which they really dreaded would of course come upon the Stage, to this end it was represented as Dishonourable to make such an Advance to the *Scots* : That it was an Insulting of *England* to have the *Scots* say, they would not Treat with her till such and such Conditions were performed — ; That this was letting the *Scots* prescribe Preliminaries upon *England*, and if *England* complied, it would make them more Encroaching.

But the Temper in the Parliament was quite different from this, it was plain there that the *Scots* were in the Right to ask this as a Preliminary, that the Treaty would for ever be subject to this Objection, that it was not free, but done under the Terror or Force of that Act of Parliament, that as it was not Honourable for the *Scots* to have a Treaty forced upon them under such Circumstances; So neither was it Honourable for *England* to force a Treaty upon them, that the Act was unreasonable in its own Nature, that *England* could have no pretence but meer Violence to intermeddle with the *Scots* Commerce, who were a free Nation, and ought to be at Liberty to Trade with any Nation that they thought fit to Trade with, that their Trade with *France* was done by their own Act of Parliament passed by the Queen, and was not inconsistent with, or contraveining any Treaty or Contract with *England*, that *Scotland* was under no Treaty of Commerce, or under no Obligation to Trade, or not to Trade as *England* did ; That as to the Confederacy, and the War in which they were embark't with *England*

gland, that laid them under no Obligation, since the *Dutch* were in the same Confederacy, and yet openly proclaimed a free Trade with *France*; Nor did the *English* pretend to obstruct them in it; That *Scotland* was as Independent of the *English* Government as the *Dutch*, and ought to be at liberty to Trade unmolested as well as they.

These Arguments back't with an Administration of Government now quite recovered from the Tyrannical Principles of those formerly in Power, soon influenc'd the Parliament to Repeal the Act, and take this Step by way of advance to the Scots, by which they let the Scots see they were in the hands of their Friends, that now they might expect fair Dealings, and had Room to Treat with Freedom and Honour.

This was a great Mortification to those Gentlemen who had promoted that Act, who now together with their whole Party, set themselves with all their Artifice to oppose the Treaty in all its Parts in both Kingdoms; to raise Scruples, imprint Jealousies, Misrepresent Persons and Things, embroil Councils, raise Scandals, and in short to do every manner of thing they could to embarrass and obstruct the Treaty: And in the first place to prejudice the Minds of the common People against the Union as such. What fatal Success they had, how they carry'd it on, even beyond the Conclusion of the Treaty, with what Difficulties it was encountred, how begun, how carried on, how finished, and how since assaulted, and with difficulty enough preserved, will be the Subject of the ensuing Sheets.

1

Of the Last T R E A T Y, P R O P E R L Y C A L L E D T H E U N I O N;

And, first, Of the Treaty in London.

I Am now come to the Great and Capital Treaty, which has at last, by the Blessing of GOD, been brought to a Happy Conclusion. —

I am not Insensible, That, in the strange Variety of Circumstances, Changes of Prospects, the Turns of Management, the Accidents and Niceties, with which it has been carryed on, the Infinite Difficulties the Zealous Promoters of it met with, the Restless Attacks of a Strong Party to Disappoint it, who never gave over their Struggle, no not even after it was done: In this Labyrinth of Untrode Paths, I may easily misplace some things, and omit others; and I cannot but Introduce my Account of it with this Caution, that tho' I believe no Man can have Collected with more Care, nor has had the Opportunity to Remark things with more Advantage, having been Eye Witness to much of the General Transaction, and furnish'd by the best Hands with every most secret Affair in the Carrying it on; yet many Minute Things may have past my Pen, which it is impossible for me to Attone for, but by making this *Proviso*, That the Reader may be assured, nothing Material can have slipp'd me; and I have used all necessary Caution to furnish my self with the whole Truth of Fact, whatever Omision of Circumstances I may make an Apology for.

I have already related the Issue of the Treaty begun the first Year of the Queen, and made my Observations of the Reason of its Mis-carriage: It may be observed, That Her Majesty understanding the true Reasons of the Disappointment, which 'twas thought lay in the Persons Treating, particularly on the *English* Side, whose Disposition to finish it for the Publick Good, it was supposed, did not appear at all to Her Satisfaction, *in which I have further already Explain'd my self*, Obtain'd a New Act of Parliament in *England*, and the like in *Scotland*, Impowering the Queen to Appoint Commissioners on either Hand, to Treat of an Union between the Two Nations. —

And here 'tis necessary to observe, how well the Ground Plot of this Work was laid, that all Obstacles might be removed, which might threaten it with another Abortion; It had been noted, that the most Dangerous Rock of Difference, on which this Union could split, and which could now render it Ineffectual, was that of Religion: Here it was certain they could never Unite, and

the Breach therefore being Irreconcilable, the best Course that could be taken with it, was to let it quite alone as a thing neither side should meddle with at all, and consequently the Jealousies and Suspicions on both sides must vanish, and the great Obstructions which the Enemies of the Treaty relyed on for its Miscarriage were at once removed.

This was a Master-Piece of Policy, and shewed, that Her Majesty had other Persons to Consult with, and had taken other Measures than before, and gave People very early Impressions of the Success which has since appear'd.

But there was yet some Political Difficulty to pass, and here being to Tread Truth almost on the Heels, those Readers that are willing to have it told plaineft, must excuse me for naming Peoples Names: I have avoided, on all Occasions, the Mixing Satyr and Reflection in this Relation, as much as possible.

The Political Difficulties I speak of here, and which I think gave the greatest Shock to this Affair, consist of two Parts,

1. Succession. 2. Nobility.

The Vehemence with which the several Parties, who managed these Topicks, acted their respective and exceedingly remote Prospects; and by what strange Mystery, concurring Providence, like the Wheel within all their Wheels, center'd them all, in Uniting the Nations; as it is a secret History few understood, and may be as Necessary as Diverting, so the Heads of it may be view'd in the following Scheme.

1. The Succession being the main thing that lay at the Bottom of every ones Project, I shall first speak to the Particulars of that.

There was a Party in both Kingdoms, but most Powerful in *Scotland*, whose Design was principally and directly against the Protestant Succession as such; These we must allow to be setting every Wheel at Work, and Acting with all their Power and Policy against every thing which look'd that way.

When they saw it convenient, they acted against an Union in its general Term, and frequently some of the less Politick of that Party let fall the Excrecence of their Principles in direct Terms, and Pamphlets were wrote upon that Scheme, such as one shewing the Necessities of a War with *England*, &c, another showing the Advantages of an Union with other Nations, and *France* in particular; others argued continually the mighty Terms, and the Advantages of Commerce *Scotland* might obtain from *France*, and not only proposed them as Equivalent to the Trade with *England*, but run on to such weak Extremes, as to say, that *Scotland* made no Advantage of her Commerce with *England*.

But these may well be said to be the less Politick Part of these Gentlemen who were in the Design above, for they lost Ground even against the Union it self by it; and when the Committee of Parliament, Appointed to Examine the Exports and Imports, Reported, That *Scotland* Exported to *England* above 200000 Pounds
Sterling

Sterling per Annum in Linen, Cattel, &c. the Imports from thence appear'd so small, that the Objectors dropp'd their Arguments upon that Head, and learn'd to talk with more Caution.

But the more Subtile Managers of this Design against the Succession, went on by different Measures, and with great Policy they acted every Party, as far as they thought they could be brought in to be subservient to their Design.

Thus first seeming to quit their direct Opposition to the Succession, as a Thing too open, and too much Clashing with the Temper of the Time, they fall in with that Party, who were for the Succession with Limitations; Not that they wou'd have concurr'd with the Event, had these Limitations been never so great, but that, in their Debating the Limitations, they might find Room to Clog the Succession it self, in such manner as the other Party could by no Means accept of it.

From the same Principle proceeded that Famous Resolve in their Act of Security, by which the Succession met with two Invincible Obstacles, from whence they knew, some time or other, new Disputes must arise, 1. That no Successor at all should be Named, till after the Queen. 2. That when it was Named, it should be with this Limitation, that it should not be the same that should Succeed to the Kingdom of England.

This was a Master-Piece of Policy, and had the most Specious Pretence in the World, viz. The Hardships which Scotland had suffered under the Influence of England in Matters of Commerce and Sovereignty; and therefore it was added immediately upon the said Clause, *Unless that in this Present Session of Parliament, or any other Session of this, or any ensuing Parliament, there be such Conditions of Government Settled and Enacted, as may Secure the Honour and Sovereignty of this Crown and Kingdom, the Freedom, Frequency and Power of Parliament, the Religion, Liberty and Trade of the Nation from English, or any Forreign Influence.* See the Act of Security Printed in the Appendix to this Work, N°. (1)

The running things to this Height in Scotland, put every Parties Measures to a full Stop; The Gentlemen who were against the Succession in general, and of whom I am now Treating, had most effectually carryed their Point; for as they presumed England could never come in to such a Treaty as they demanded, so they had effectually foreclosed the Succession of Hannover, by Determining, that the Successor of England and Scotland should not be the same.

And 'tis remarkable to note here, how universally all those Gentlemen, whose Aim was, *Against* the Succession, fell in with those whose Design was only to have Advantageous Terms from England for it.

But this very Point gain'd, brought about the main Work, and the Contraries that concurr'd in this Act, tho' from Clashing Interests, by the strange Circulation of Causes, work'd all together into another Extreme, which none of them design'd, and that was the Union.

Upon the passing the Act of Security, *England* grew very uneasy, and not to mention the common Apprehensions of the People, nor how, and by whom they were encreased and fomented, the Act of Parliament past, Intituled, *An Act to prevent the Dangers arising from the Act of Security in Scotland, &c.* is a Demonstration of what the Tendency of these Things would be; For this Act, which I have also, for the better understanding of the Story, Abridg'd and Printed in the *Appendix, N^o. (2.)* brought both Nations under the Necessity of a War by the *Christmasts* following; the *English* being then obliged to fit out a Fleet, to interrupt the *Scots* Commerce, if their Act of Security was not Repealed.

Things being brought to this Extremity, the only Remedy that those who wished well to both Nations could contrive, was to revive a Treaty of Union, and set heartily about it, — and the first Step the Queen took towards it, was to propose it to the *Scots* Parliament, who Voted, — *That they could enter into no Treaty of Union, till that Act of Parliament mentioned above was Repealed in England.*

Tho' this was a very bold Resolve, yet the Queen, who saw some Reasonableness in it, managed Things with so much Wisdom and Moderation; and the Parliament, who saw with differing Eyes from the other, and was of a quite differing Temper, found something so severe and so hard upon *Scotland* in that Act of Parliament, that they made no Difficulty to make that Step in Advance to *Scotland*.

Upon this Foot turn'd the first Appearance of the Union; Now let us see how the Parties managed themselves on all sides.

The Inclination on both sides to an Union, *however afterwards manag'd*, seem'd so universal, That the Party I am speaking of, thought it was not proper to appear against it directly; but acting still under Disguise, they puzzle the Cause, *say*, With the wild Debate of a Federal Union, or an Union Partial and Imperfect; — and thus they fell in with the Party who were for the Union, not that they had the Union in their Design; but because they thought the Thing Impracticable in it self; That it would make the People Sceptick in Government; and that so it would certainly miscarry, and the Succession would be lost that way.

Accordingly the Limitations were by secret Influence opposed, and the Scheme of Succession laid aside to go upon the *Chimera* of an Union, *as they thought it to be*; and I could be very Merry with some Gentlemen here, upon the Banters and Jests they always Treated the Scheme of an Union with, as a Thing they little thought would ever be licked into any Shape, or ever obtain upon the Nations to pass into a Law.

Thus I have brought the remotest Party, who were downright Enemies of the Union, to fall into it; — From whence, let their Design be what it will, I must tell them, they did it this Service, that it made the Union *very Popular*, however it came to be otherways afterward.

I come next to the Difficulty about Nobility, and this work'd in to an Union, by, as it were a Natural Consequence; For the Antient Nobility finding their Sway with the People lessen'd, and their Power, as well as their Honour, eclips'd, by the Crown daily Creating Numbers of what *they* called Upstart Lords, were easily engaged in Limitations, to prevent their Future Monarch's encreasing the Numbers of their Rank, to the Diminution, as they took it, of the Antient Families.

But when they came to consider the Scheme of Distinction made for the Representing the Nobility in a *British* Parliament, they were the more easily brought into the Union, as an effectual Step to prevent the Reducing their Honour, by Multiplying their Numbers, and as a thing which would seem to distinguish them from such of the Modern Nobility, which they reckon'd already a Burthen to them.

Next, among the *Whig* Interest, and who were really Honest in their Designs for the General Good, were yet two Parties.

One Party, without Reflection on any, had taken a just Umbrage at the Growing Power of a certain Great Man; and as they had Reason to Ward off Personal Resentments, in case their Figure was diminished; and having their true Interest in View, together with the Publick Good, esteem'd it their Good Fortune, to have them both stand upon one Bottom; — And these Gentlemen came heartily and honestly into the Measures of the Union.

Another Party were for the Succession *Limited, &c.* but not for the Union; These brought the former first to them, thinking they would rather be for the Succession, and lay by the Thoughts of the Union; but finding them intirely for the Union, they fell in together.

The View of the Court in *England* was plain, *viz.* For the Succession at any Rate; and therefore, till this Juncture, they had espoused that Party in *Scotland*, who were for the Succession, tho' with Limitations; and this the more easily brought these Gentlemen into the Union, since there they secured the Succession, and had the *English* Limitations Confirm'd, which they knew and acknowledg'd were better than their own.

Thus the two *Whig* Parties joyn'd, and the Duke of *Queensberry*, who had, in Concert with Her Majesty and the *English* Court, removed all the seeming Difficulties on the part of *Scotland*, appearing publickly for it, the Union, as I have already noted, grew very Popular, the Court and the *Whig* Lords concurr'd in the General Good, the *Jacobite* Interest were abandon'd, and the Union grew up between all the Extremes as a Consequence; and it was merely Formed by the Nature of Things, rather than by the Designs of the Parties.

Things being brought to this Pass, the Acts of Parliament passed, and the Queen Impowered to Name Commissioners; I shall pursue the Proceedings in Order as they ly before me, and make the needful Observations as I go.

The respective Acts of Parliament for this Nomination, as absolutely necessary to the better understanding of the Case, and laying a Regular Scheme of the whole Matter before the Eye of the Reader, I have annexed in the Collection herewith marked.

They that had so wisely contriv'd the Beginning of this Work, could not be at a Loss to find out proper Persons for the Managing the Treaty in both Kingdoms; And therefore it was not long before Her Majesty Named the Commissioners for both Kingdoms, whose Names we shall presently come to.

I shall not descend to Encomiums on the Persons of the Treaters; For I am not about to write Panegyrics here, but an Impartial and Unbiass History of Fact. But since the Gentlemen have been ill treated, especially in *Scotland*, upon this very Head, Charg'd with strange Things, and Exposed in Print by some, who had nothing but their Aversion to the Treaty to move them to Maltreat them: I must be allowed, on all Occasions, to do them Justice in the Process of this Story.— And as I must owne, That, generally speaking, they were Persons of the greatest Probity, the best Characters, and the steadiest Adherence to the true Interest of their Countrey; so, their Abilities will appear in every Step taken in so great a Work, the bringing it to so short a Conclusion, and that, in so little Time, the Reducing it to so Concise a Form, and so Fixing it, That, when all the Obstruction imaginable was made to it afterward in the Parliament of *Scotland*, the Mountains of Objection, which at first Amused the World proved such Mole-hills, were so easily Removed, Raised so much Noise, and Amounted to so little in Substance, That, after all was granted, that in Reason could be Demanded, the Amendments were so few, and of so little Weight, that there was not one Thing Material enough, to obtain a Negative in the *English* Parliament.

I cannot but note here, That even those Amendments were not made, by Reason of any Omission in the Treaters; But the Parliament found the Opposing Party to the Succession had two Handles to lay hold on in *Scotland*, and therefore in Prudence gave way to such Amendments, as they had the least Reason to Justify; These two Heads, which I call Handles against the Succession, were,

1. Strength of Party, by which they hop'd to Carry it at once, and Throw out the Treaty *Brevi Mann*; and this they endeavour'd to Form upon a General Dislike, they having Blacken'd it with the Mark of a Thing Dishonourable to the Sovereignty and the Independence of the Nation.

2. If they found that would not do, then to load it with such Ridiculous Amendments, as they knew would cause it to miscarry in the *English* Parliament; which they also thought would give *Scotland* great Advantage, and Encrease the Animosities in *Scotland* against the *English*, when the Rupture should appear to be from *England*, and the most Reasonable Concessions of *Scotland* be Rejected by them.

But

But both these Projects failed them; The first was effectually Answer'd by the Nature of the Thing; and their Strength failing them, they found they had cast up their Account false, their Motion being thrown out by a great Majority in Voting the first Article, as will appear presently.

The second, when they came to Examine Particulars, had not sufficient Strength of Reason to support it; all the Amendments they could pretend to, were so small, That, *as above*, the Parliament of *England* never thought it worth their while to Dispute them; and the Treators themselves, for the most part, went into those Amendments, as they were offered.

Indeed this was a Disappointment to some People, who made no Question, at least, to puzzle the Cause, and raise such Difficulties, as should Require a Remitting the Treaty back to *Scotland*; and so spin it out in Length, that the Nations might have Leisure to Form the separate Parties into some Order; and raising their Friends on both Sides, if possible, bring it to a Breach —; And that I do not pass an unjust Censure, I refer the Reader, among Infinite Pamphlets publish'd against this Affair, to one very plain and bare-fac'd Author mentioned before, Entitled, *The Necessity of a War with England, in Order to Cure the present Distempers of the Times*.

I should do the Fomenters of the Nations Divisions too much Credit, to Trouble the Reader of this with any of their Printed Oratory against this Union, much less enter into any Disquisitions upon the Subject of their Clamours; — But I may, perhaps, touch upon the principal Heads of their Objections, and let the World know also, who were some of the Objectors.

When the Acts were thus pass'd, and Her Majesty had Nam'd Commissioners on both Sides, and the Work seemed to be going about in Earnest; The Learned Scriblers of the Age began to Harra'ss the World with their Schemes, and all the Mountebank Statesmen of the Times set to Work, to propose their Wondrous Methods for Curing this Antient Distemper of the Nations, and striving to have it said of themselves, who was Forwardest in the Great Work.

The Industry they discover'd had, in nothing, a greater Concurrence, than in this, That the whole Croud of Writers, with an Universal Agreement, had the Honour to be intirely mistaken; and not one of them had Eyes to see to the true Interest of the Nations; every Man, as, in such Cases is usual, Eyed the respective Interests or Advantages, as he thought, of the Nation to which he belong'd, and set himself to Work to Answer the Objections of the other, Defending, Arguing, and Fatiguing their own Heads, and their Readers, with the Confused Labyrinths of their own Projects; but not once touching the true String, which, with a National Unison, would have immediately Sounded out the Harmony of General Peace.

Nor am I at all Arrogant, in saying, they were all so generally mistaken in their Notions of what this Union should be; Since, as I have said, every one fell to Arguing the single and separate Advantages of the Nation they belong'd to; Insisting on their Politick Notions, and Wise Schemes for their respective Advantages: But, not one, that I met with, ever Entered into the True and Only Notion Essential to the Union; I mean the Principle of Self-Denial, how far either Nation was to Condescend and Advance to one another, How the present Union Consisted not, in Gaining Advantages on either Hand of one and other; but in Abatements, in giving each other Advantages, in yielding up Privileges, opening the Treasures and Strength of either Nation, to the Good and Benefit of the whole.

They never dream'd, That, to Unite, was, in it self, a full and a general Retribution for every Step taken from one Side to the other; That a New National Interest was to be Erected; and that giving or Conceding Rights, Advantages and Interests, whether in Commerce or in Privileges, was losing nothing at all; but was like a Man giving Presents to a Lady, whom he designs to make his Wife; which is but taking his Money out of one Pocket, and putting it into another; or like a Man settling his Estate in Joynture on his Wife, which is still his own, and is effectually secured for his Posterity:

The Gentlemen must pardon me, if I tell them, That, for want of this True and Original Notion of Union, they took but too much Pains to Inform us all, they had neither the Spirit of Union in their Minds, nor the Knowledge of it in their Heads —; And this run them upon Wild *Dilemmas* and Dark Schemes of Federations and Confederations; This sent them to *Belgia, Helvetia, Polonia*, and I know not whither, for Examples for Schemes, Precedents, and I know not what strange Systems of National Unions; all which, I must take the Liberty to say, were as Wide from the only Step, that could make these Nations happy, as the East is from the West, tended to nothing, but Confusion of Interests, National Jealousies, and in the end War and Destruction.

These Gentlemen were for making Bargains between the Nations, not for bringing two Great and Mighty Kingdoms into one Vast United Body, the same in Interest, the same in Prospect, the same in every Substantial Constituting Part; The Advocates of either People talk'd like Counsellors Pleading for their Clients, not like two Friends, that were Striving, who should part with most, for the Interest and Engagement of the Love of each other.

In short, the Union has been brought to pass, not by gaining from, but by yielding to one another; Not by making Conditions and Advantages of one another, but by Conceding to one another; One part opens the Treasures of their Trade, the other struggles to bear their Share of the Weight and Burden of Expensive and Bloody Wars; This part yields up one thing, that abates another, and Mutual Condescensions, not Mutual Encroachments, have brought this Work to pass.

And

And here lyes the great Mystery of the Union; They that think strange of the Circumlocutions the Wifest Heads have taken, may find them here; They that Enquire into the Reasons of former Miscarriages, may find them all here; If there was any want of Temper, any mutual Distrusts, any secret Murmurs of Parties, any Jealousies of Consequences, it was all to be found here; That the People, who Debated these Points, never Look'd beyond the present State, never Considered the Conjunct Capacity of the Nations, never drew the Ballance of Interests, or stated the Affairs of both Nations into one Account Current.

Had they ever done this, they would have seen that Monster, as they call'd the Union, a most Beautiful Creature, Admirable in its Contexture, Agreeable in its Figure, Squar'd like a most Exquisite Piece of Architect, both for Ornament, Strength, and Usefulness; They would have seen it a Compleat Circle, all the Lines of which were drawn from, and depended upon one General Centre, the Publick Good, a Mighty Arch, every Stone of which mutually contributed, not to its Private Support only, but to the Strength of the whole: Here is the True Original of the Union; and the Wisdom of the Treaters on both sides, was in nothing more Conspicuous, than that they came to this Treaty furnished with the true Notions of what they were to do, and consequently the properest and only Method for the doing it could not be Concealed from them; and we cannot but observe, That, thro' all the Course of the Treaty, the Gentlemen kept themselves clos to this Principle, to yield to one another in every thing, which the Nature of the Union they aim'd at requir'd, and the Nature of the Thing before them would possibly permit.

I must confess, to me, all the Notions of Federal Unions, Guarantees, and Everlasting Peace, which our several Writers fill'd our Heads with, while the Treaty was appointed, but not yet begun; appear'd to me as imperfect *Embrios*, false Conceptions, and Births that must end in Abortions and Disappointments; I will not say, I had Foresight of Events enough to prescribe what Methods should be taken, or what Issue would be produced from the Treaty then in View; but this I took the Freedom always to tell the World, That it must be a general, compleat, intire and indissoluble Union of Interests and Parties, depending upon Equalities of Privileges, and Equalities of Burdens, Equalities of Prospects, and Equalities, if possible, in Desires, or that it would be Imperfect in its Parts, and Confused in its Whole.

I know one Reason why this sort of Union was less thought on, than perhaps it would have been, was, because the Gentlemen, when they came to Examine what had ever been Attempted this way, found nothing of a full and intire Union, but that under the Conquest of the Parliament Times —; And, *Alas! SAYS ONE*, This must be rendered so Odious, because 'twas the Work of a Tyrant, an Usurper, and what not, that no Body could bear to Recommend it; and if at any time a Man was driven by the Necessity of his

Judgment, the Convictions of his Reason, and the Consequences of Argument, to come to the Borders of that Scheme, he would Start at the Hint, as if he had seen a *Spectrum*, and fly even from his own Reason, because it concurr'd with what was hit upon by the Man and the People he did not Approve.

And why will you go by *Whitehall* Gentlemen, where so many wicked Rebels Triumph'd over their Monarch? Why will you use the Navy, nay some of the very Ships, with which the same *Oliver Cromwel* Beat your Neighbours?

If *Oliver* had not been a Master of Politicks, he had never been *Oliver Cromwel* in the Terms we are now Talking of him; and because he hit upon the only Step that could be taken to Fix the Union of the two Nations, must we Reject it, and rather Destroy the Kingdoms, than close with his Unhallowed Method?

Reason and the Nature of Things guides all Men, whose Eyes are open, to the same Methods, when they are pursuing the same Designs, let *Oliver Cromwel* be what he will, and who he will, 'tis no part of my Business here, take him in all the Blackest Figures he can be Represented —; What was the End he pursued in his Uniting *Scotland* to *England* —? It was so to joyn them, that both Parties being made intirely easy, might, without Hesitation, submit themselves to his otherwise precarious Authority; and was he right in this, That, to give the two Nations a free and full Communication, both of Trade, Privileges and Advantages, was the true and only way to make all People easie —? So far his Project may be good for us, without so much as touching upon the Parallel.

The Business of the Union was, to make the Nations easie, to put them in a State of Mutual Advantage; If fourty Tyrants have pursued the Method for it, tho' with Wicked Designs, it was for us to take the Method, and mend the Design, as much as we could.

Oliver Cromwel made a Conquest of *Scotland* —, well, and what then —? Let those People, who have Talk'd so much of an Union of Subjection, and Conquering *Scotland*, go back hither for a Precedent; *Oliver Cromwel* knew as well what belong'd to Conquest, as any Body in this Age will pretend to; Nor was he less Politick in Keeping, than Terrible in Obtaining; and what did he resolve all his Northern Conquest into —? Nothing but Union, the best Concerted, the best Executed, the best Approved, that ever this Island saw till now; Nor could all the Heads in Christendom have Formed the present Happy Union, but from the Schemes of those Times.

If ever Nation gain'd by being Conquer'd, it was here; They were Subdued first, and then made Happy; and *Scotland* Flourished, Justice had its Uninterrupted Course, Trade Increas'd, Money plentifully Flowed in, and all under what they call'd Tyranny and Usurpation, all under a Standing Army, Government, and with all the Disadvantages that can be imagined from such a Constitution, as tended to Subjection, not Liberty, Poverty and Misery, not Peace and Plenty. And

And what was the Foundation of all this? Nothing but the Natural Product of Common Reasoning, he found, that the only way to preserve the Conquest he had made on the Powers of the Nations, was to make a Conquest of their Affections; That the only way to do this, was to let them see their Interest and Happiness in his Government; and that this could only be brought to pass, by Uniting and intirely Incorporating the Nations into one; Communicating Peace, Privileges, and all possible Advantages to them —; And thereby letting them see the true way to their prosperity.

No Man will say, this was not the most Politick Step he could take; and must we Contemn the Method, because we cannot be Reconcil'd to the Man —? Certainly if Union and Incorporation of Interests was able to make the Nation Happy under a standing Army, and an Absolute Government, as that was; Things in their Nature, Inconsistent with Liberty and National Prosperity; it must be much more Capable under a Just and Limited Government, where Law Governs the very Actions of the Sovereign, and all the Branches of Power are squar'd by, and sincerely Immploy'd for the Publick Good: And it can be no Lessening the Value of any True Scheme of National Management, that a Person Us'd or Contriv'd it, that we call a Tyrant or an Usurper; Let him be never so much a Tyrant, he show'd he had the True Spirit of Government in him by this, that he knew the only way to make his Government safe, was to make it easy; and to have the People quiet, was to make them Happy —; And this he did by *Union*, an intire Incorporated Union —; And the Event proved, his Measures were rightly taken.

Our End is now the same, tho' our Views are differing, to make the People Happy is the End —; If *Union* be the way, why is it to be liked the worse, because *Oliver Cromwel* drew the Scheme?

I have made this Digression, not purely to show, how our Writers came to be mistaken in their Schemes, and why they never hit upon this Draught in all their Proposals, tho' that introduc'd it; but also to prove, that this Intire Incorporating Union has in it self the Seed of National Felicity, in that it wrought then that Wonder which the World can rarely produce, *viz.* Liberty in Tyranny, Prosperity in Conquest, and a Nation Saved even in being Subdued.

Could it produce this Wonderful Effect, much more must it be supposed Capable now? And I am perswaded, no Man in his Senses will like the Effect of the present Union the worse, for its receiving any of its parts from the Politicks of these Times, if the Happiness of the present Time may be seen in it.

And here I must own, That the present Union has some Advantage, *tho' the Nations have paid dear for the Experiment*, in that it has been Formed upon the Foot of all the most Politick Schemes of former Times; and all the Miscarriages of former Treaties have been as Warnings to Furnish the Experience of these Times.

to make them wary, and instruct them how to avoid the Rocks that others Split on.

I have now brought the Treaters to *London*; Their Names, and the Commission for them respectively to Treat, I have Inserted in the Minutes of the Treaty, as it was laid before the Parliament of *Scotland*, and immediately following this Part.

When they first met, they hardly knew what Measures they should take; They knew what Business they came to do, but I dare say, the Gentlemen will bear with me, in saying, they could not foresee the Manner and Management that follow'd; and it was a pleasing Surprise, to find all Sides and Parties to agree, in leaving all Politick Methods formerly studied, rather to Delay and Defeat the Design of an Union, than to Compleat it; and to fall in heartily to Consider, as the General Thesis, what could Conduce most to the Main Design of their Meeting, *THE UNION*; And in Order to this, they Resolved not to Study Advantages against one another; nor to Demand on either Side any Thing, but what was agreeable to both Kingdoms, in their United Capacity; This was a Happy Indication, That both Sides came together with a True Spirit of the Union among them; That they sincerely intended to apply themselves to it with the utmost Diligence, and to pursue it by all the most proper Methods to bring it to pass —; The very contrary Extreme of which, is what, as I have already noted, has been the principal Occasion of the Miscarriage of all the former Treaties, and which Good Men were very much afraid of now —.

Before they met in Publick, some of the Commissioners on both Sides had a Meeting among themselves, privately to Consider of the Method of Proceeding.

And here it was first Debated, in what Manner Proposals should be Delivered and Receiv'd; Some were for having Conferences of every Thing that should be proposed, for the Convenience of Free Reasoning; Others Objected against that as Tedious, and Offered as the most Expeditious Method, That every Thing should be Delivered in Writing, and then the Commissioners respectively Meeting apart, might Reason among themselves, and give in their Resolutions the more perfect —; And this was agreed on by both Parties.

This is the Cause, That, in the Minutes of this Treaty, we have little of their Private Reasonings Recorded; since, their having been thus by themselves, they have not been noticed so, as to come to Light in any Regular Manner.

There was but one Publick Conference, which was Desir'd by the Commissioners for *Scotland*; and this was about the Number of the *Scots* Representatives in Parliament; and in this 'tis impossible to get the particular Arguments used on both Sides. The particular Persons on either Side were as follows,

First the Lord Treasurer of *England*, who Opened the Thing, and Desir'd the Commissioners for *Scotland* to propose their Reasons, why the *English* should give a greater Number than was mentioned.

Lord Chancellor of *Scotland* spoke next, and gave Reasons why they Insisted upon a greater Number.

Mr.

Mr. Secretary *Harley* Replyed to Lord Chancellor of *Scotland*.

The Lord Chancellor Spoke a Second Time, in Answer to Mr. Secretary *Harley*.

The Earl of *Pembroke* Spoke after, to what the Lord Chancellor had offered.

The Earl of *Stair* Replyed to the Earl of *Pembroke*'s Speech.

The Lord Keeper spoke next.

Sir *David Dalrymple* Follow'd the Lord Keeper.

Duke of *Devonshire* to Sir *David*.

And Mr. *Seton* of *Pitmedden* Concluded.

The great Design of the Arguments on the part of the *Scots* Commissioners, were summ'd up in this ;

That they could have no Precedent, as to Number of Representatives, Argued from *Oliver Cromwel*'s Division ; because he was Arbitrary, and neither gave a just Representation to *England*, or to *Ireland* ;

That the present Scheme of Taxes could not be the Rule ; but, if the Representative was to be Measur'd by the Proportion of Taxes, it was on their Side ; since, immediately upon the Union, those Taxes would be greater ;

That, if any Rule could be laid down, it ought to be an Arithmetical Proportion, between the Number of People and the Taxes paid, Considered on both Sides respectively ; In which Case, the *Hollanders* were brought as an Example, where, if you take the People, without their Circumstances of Wealth, they Bear no Proportion, because their Riches are vastly greater than their Numbers ; If their Riches are taken without their People, the Disproportion would be as great the other way.

Upon the whole it was Concluded, there could be no certain Rule, to Direct their Lordships the Commissioners, but the present Circumstances of the Nations should be Judg'd of by both Sides, and such a Representative to be Allow'd, as should be Agreeable to Justice in both.

Upon this Debate, their Lordships Retired on either Hand ; and the next Day, the Commissioners for *England* brought in a Proposal for a Representative for *Scotland*, Augmented to Forty Five Commoners, and Sixteen Lords, which the *Scots* Commissioners acquiesc'd in, as will more particularly appear by the Minutes of the Treaty, which are inserted at large, as they were Extracted out of the Books of the Commissioners, and beginning with the Commissions respectively given to the Persons Appointed to Treat, as follows.

First, The Commission to the Persons Appointed for Scotland.

A NNA Dei Gratia, Magnæ Britaniæ, Franciæ & Hyberniciæ Regina, Fidei, Defensor, &c. Omnibus Probris Hominibus ad quos presentes Literæ nostræ pervenerint, Salutem; quandoquidem Nos considerantes immense Commodum omnibus nostris subditis, per arctiorem & completiorem Unionem Regnorum nostrorum *Scotiæ & Angliæ* oriundum; Cumq; per Actum Parlamenti dicti Regni *Angliæ*, anno Domini millesimo, septingentesimo quarto, iis personis, vel tot tali eorundem numero, qui a Nobis nominarentur, & quos Nos in hunc effectum, pro quorum (ut loquuntur) statuerimus, plena autoritas & potestas concessa est conveniendi & tractandi cum iis Commissionariis, autoritate Parlamenti *Scotiæ* muniendis, de tali Unione dictorum duorum Regnorum *Scotiæ & Angliæ*, ac circa quæcunque alia negotia, causas & res quæ (debita deliberatione habita majoris partis dictorum Commissionariorum (ut prædicitur) congregatorum) una cum Commissionariis autoritate Parlamenti *Scotiæ* muniendis, dicti Commissionarii nostro honori & mutuo bonæ utriusq; Regni in perpetuum convenientia & necessaria, in eorum prudentia judicabunt: Nosq; etiam ex Regia nostra affectione, & cura ad promovendum Foelicitatem omnium nostrorum subditorum, tale insigne & bonum opus prosequi desiderantes & cupientes, Parlamento nostro *Scotiæ* Mense Junii ultimo elapsi commendavimus, ut cum dicto Regno nostro *Angliæ* Tractatus institueretur; in cujus prosecutione per quartum Actum Sessionis Parlamenti ultimo elapsæ decretum, statutum & ordinatum est, quod ii, & quot eorum nobis visum fuerit, sub magno Sigillo dicti antiqui nostri Regni *Scotiæ*, constituere & nominare, plenam Potestatem, Commissionem & Autoritatem haberent, locis & temporibus a Nobis designandis conveniendi ac congregandi; ac cum talibus Commissionariis, autoritate Parlamenti *Angliæ* muniendis, tractandi & deliberandi circa talem Unionem dictorum duorum Regnorum *Scotiæ & Angliæ*, & circa quæcunque alia negotia, causas & res quæ (matura deliberatione habita majoris partis dictorum Commissionariorum, ut prædicitur, congregatorum) una cum Commissionariis, Autoritate Parlamenti *Angliæ* muniendis, secundum Tenorem eorum Commissionum eatenus concessarum, dicti Commissionarii honori nostro & utilitati, & mutuo commodo dictorum nostrorum Regnorum, in perpetuum conducere judicabunt; ac etiam quod dicti Commissionarii, pro utroq; Regno, secundum Tenorem suorum Commissionum respective, sua acta & gesta, in eadem materia, in tria diversa scripta aut Instrumenta singulatim per ipsos, aut eorum quorum scribenda & sigillanda redigent & digere; In & ad hunc finem, ut unum dictorum scriptorum nobis, aliud dictorum scriptorum Parlamento *Scotiæ*, & tertium dictorum scriptorum aut Instrumentorum Parlamento *Angliæ*, proximis Parlamen-

torum

torum Sessionibus in utroq; Regno respective tenendis, exhibeantur, postquam dicta scripta seu instrumenta, per dictos Commissionarios, subscripta & Sigillata fuerint, ut desuper Nos & dicta Parlamenta ultra procedamus, prout necessarium visum fuerit, pro Commmodo & Bono utriusq; Regni: Quibus Parliamentis integra consideratio totius, ac in totum vel pro parte approbandi, prout illis expediens videbitur, omnino reservatur; Et per antedictum actum providitur, quod nulla Materia aut Res tractanda, proponenda, vel per dictos Commissionarios virtute prædicti acti concludenda, ullius erit vigoris, seu effectus cujuscunq; donec prius autoritate & Acto Parlamenti Regni *Scotiae* confirmata & stabilita fuerit: Et quod non licitum erit dictis Commissionariis, de Alternatione Cultus Disciplinae aut Regiminis Ecclesiae *Scoticae*, ut nunc per Leges stabilita sunt, ullo modo tractare: Cumq; nos satis experte specialem fidem & fiduciam reponamus, in fidelitate, eximiis animi dotibus, & prudentia personarum Infra-scriptarum, Viz. *Jacobi* Comitis de *Seafield* summi nostri Cancellarii dicti Regni, *Jacobi* Ducis de *Queensberry* Secreti nostri Sigilli Custodis, *Joannis* Comitis de *Mar* & *Hugonis* Comitis de *Loudoun* nostrorum principalium Status Secretariorum, *Joannis* Comitis de *Sutherland*, *Jacobi* Comitis de *Morton*, *Davidis* Comitis de *Weyms*, *Davidis* Comitis de *Leven*, *Joannis* Comitis de *Stair*, *Archibaldi* Comitis de *Roseberry*, *Davidis* Comitis de *Glasgow* nostri Thesaurarii Deputati, Domini *Archibaldi* *Campbell* Fratris Germani Ducis de *Argyle*, *Thomae* Vicecomitis de *Duplin*, *Gulielmi* Domini de *Ross* unius Commissionariorum nostræ Thesaurarii, Domini *Hugonis* *Dalrymple* Collegii nostri Justiciæ Præsidis, *Adami* *Cockburn* de *Ormestown* nostri Justiciarii Clerici, Domini *Roberti* *Dundas* de *Arnistoun* & Magistri *Roberti* *Stewart* de *Tillicultrie* Senatorum Collegii Justiciæ, Magistri *Francisci* *Montgomery* unius Commissionariorum nostri Thesaurarii, Domini *Davidis* *Dalrymple* unius nostrorum Solicitorum, Domini *Alexandri* *Ogilvie* de *Forglan* Generalis nostri Receptoris, Domini *Patricii* *Johnstoun* Præpositi *Edinburgensis*, Domini *Jacobi* *Smollet* de *Bonhill*, *Georgii* *Lockhart* de *Carnwath*, *Gulielmi* *Morison* de *Prestongrange*, *Alexandri* *Grant* de eodem Junioris, *Gulielmi* *Seton* de *Pitmedden* Junioris, *Joannis* *Clarke* de *Pennycook* Junioris, *Hugonis* *Montgomery* nuper Præpositi *Glasguensis*, *Danielis* *Stewart* Fratris Germani Baronis de *Castlemilk*, & *Danielis* *Campbell* de *Arntennet*; Noveritis igitur Nos nominasse, constituisse & ordinasse, sicuti Nos tenore præsentium, nominamus, constitui-mus & ordinamus memoratas personas Commissionarios, pro dicto Regno *Scotiae*, ad effectum prædictum; Dando & Concedendo illis, vel eorum novem, quos pro quorum (ut loquuntur) statuimus plenam Potestatem, Commissionem & Autoritatem, congregandi & conveniendi, cum talibus Commissionariis, autoritate Parlamenti Angliæ muniendis, vel eorum sufficiente numero (vulgo quorum) Apud Civitatem nostram de *Westminster*, decimo sexto die Mensis *Aprilis* proxime sequentis, & Tempore, & Loco prædicto, tractandi circa Unionem dictorum Regnorum; *Scotiae* & *Angliæ*; Et circa quæcunq; alia negotia, causas & res, quæ (matura Deliberatione

habita majoris partis dictorum Commissionariorum, ut prædicitur, congregatorum) una cum Commissionariis, autoritate Parlamenti *Anglie* muniendis, secundum tenorem eorum Commissionum, in hunc effectum; dicti Commissionarii honori nostro, & Commodo, & mutuo Bono utriusque Regni in perpetuum necessaria & convenientia judicabunt, cum potestate dictis Commissionariis, & eorum sufficiente numero (vulgo quorum ut loquuntur) de tempore in tempus, cum aut absq; continuatione congregandi & conveniendi. Et in omnibus quibuscunq; rebus, per præsentis, vel dictum actum Parlamenti, eorum curæ conceditis & commissis, secundum eorum officium & judicium procedendi, mandando & requirendo prædictos Commissionarios curam adhibere, & omnia sua acta & gesta in præmissis, in tria diversa scripta aut instrumenta, debite redigantur & digerentur, per eos subscribenda, sigillanda & præparanda, ita ut Nobis, & Parlamenti utriusq; Regni, exhibeantur; modo per dictum actum statuto & exquisito, Declarando omni modo per præsentis, Quod licitum non erit dictis Commissionariis de alteratione Cultus Disciplinæ aut Regiminis Ecclesiæ *Scoticane*, ut nunc per Leges stabilita sunt, ullo modo tractare, ac etiam declaranda nulla negotia, aut res tractanda, proponenda aut per dictos Commissionarios virtute præsentis Commissionis, concludenda ullius fore vigoris seu effectus cujuscunque, donec prius Autoritate & acto Parlamenti dicti antiqui Regni *Scotie*, confirmata & stabilita fuerint: *Reservando* Nobis plenam potestatem & auctoritatem continuandi præsentis Commissionarios, ad quemvis locum, & quoties Nobis visum fuerit, per scriptum nostri Regali manu signatum, aut Epistolam illi directam, non obstante potestate seipsos continuandi, talibus temporibus, & ad tales locos, ut ipsis visum fuerit, per præsentis illi concessa. *In cujus rei Testimonium*, præsentibus magnum Sigillum nostrum appendi præcipimus. *Apud Aulam nostram de Kensington vigesimo septimo die mensis Februarii, Anno Domini millesimo septingentesimo sexto, & anno Regni nostri quarto.*

Per Signaturam manu S. D. N.
Reginæ Suprascriptam.

ANNE

A N N E By the Grace of GOD, of *England, Scotland, France* and *Ireland* Queen, Defender of the Faith, &c. To the most Reverend Father in GOD, *Thomas* Arch-bishop of *Canterbury*, Our Right Trustee and well Beloved Counsellor *William Cooper* Esquire Our Keeper of Our Great Seal of *England*; The most Reverend Father in GOD, *John* Arch-Bishop of *York*, Our Right Trustee and well Beloved Counsellor *Sidney* Lord *Godolphin* Our High Treasurer of *England*, Our Right Trustee and Right well Beloved Cousin and Counsellor *Thomas* Earl of *Pembroke* and *Montgomery* Our President of Our Council, Our Right Trusty and Right entirely Beloved Cousins and Counsellors *John* Duke of *Newcastle* Our Keeper of Our Privy Seal, *William* Duke of *Devonshire* Our Steward of Our Household, *Charles* Duke of *Somerset* Our Master of Our Horse, and *Charles* Duke of *Bolton*, Our Right Trusty and Right well Beloved Cousins, *Charles* Earl of *Sunderland*, and *Euclin* Earl of *Kingston*, Our Right Trusty and Right well Beloved Cousin and Counsellor *Charles* Earl of *Carlisle*, Our Right Trusty and Right well Beloved Cousin *Edward* Earl of *Orford*, Our Right Trusty and well Beloved Cousin *Charles* Viscount *Townsend*, Our Right Trusty and well Beloved Counsellor *Thomas* Lord *Wharton*, Our Right Trusty and well Beloved *Ralph* Lord *Grey*, Our Right Trusty and well Beloved Counsellor *John* Lord *Powles*, Our Right Trusty and well Beloved *John* Lord *Summers*, and *Charles* Lord *Hallifax*, Our Right Trusty and well beloved Counsellor *John* *Smith* Esq; Our Right Trusty and well Beloved *William* *Cavendish* Esq; commonly called Marques of *Hartington*, *John* *Manners* Esq; commonly called Marques of *Granby*, Our Right Trusty and well beloved Counsellors *Sir Charles Hedger* Knight, and *Robert Harley* Esq; Our Principal Secretaries of State, *Henry* *Boil* Esq; Chancellor, and under Treasurer of Our Exchequer, *Sir John Holt* Knight, chief Justice of Our Court of *Queens Bench*, *Sir Thomas Trevor* Knight Chief Justice of our Court of *Common Pleas*, *Sir Edward Northey* Knight Our Attorney General, *Sir Symon Harcourt* Knight, Our Solicitor General, *Sir John Cook* Knight Doctor of Laws Our Advocat General, and *Stephen Waller* Doctor of Laws; Greeting. W H E R E A S, The Kingdoms of *England* and *Scotland* were first United in Allegiance and Loyal Subjection in the Person of Our Royal Great Grandfather King *James* the First, since which happy Conjunction, it hath been very much Endeavoured that a nearer and more compleat Union might be settled between both Kingdoms, and some Progress towards the Attainment thereof was made, not only in the time of Our said late Royal Great Grandfather, but also in the time of Our late Royal Uncle

E ¶ King

King Charles the Second. *And whereas*, We out of Our Princely Zeal and Care for the Welfare and Happiness of Our Subjects, being also desirous of a nearer and more compleat Union between Our Two said Kingdoms of *England* and *Scotland*, did Recommend to Our Parliament of *England* from the Throne, to Consider of proper Methods for obtaining the same: And whereas, In Our Parliament held at *Westminster* the Third and Fourth Years of Our Reign, an Act pass'd, Intituled, *An Act for the effectual Securing the Kingdom of England from the apparent Dangers that may arise from several Acts pass'd in the Kingdom of Scotland*. In and by which Act of Parliament, It was Enacted, That such Persons as should be Nominated by Us, under Our Great Seal of *England*, or such and so many of them as should in that behalf be Appointed by Us to be of the *Quorum*, should by Force of the same Act, have full Power, Commission and Authority, at such Time and Times, and in such Place or Places as We should Please to Appoint to Assemble and Meet; and thereupon to Treat and Consult according to the Tenor, or Purport of their Authority or Commission in that behalf, with certain Commissioners as should be Authorized by Authority of the Parliament of *Scotland*, of and concerning such an Union of the said Kingdoms of *England* and *Scotland*, and of and concerning such other Matters, Clauses and Things as upon mature Deliberation of the greatest part of the said Commissioners Assembled as aforesaid, and the Commissioners to be Authorized by the Parliament of *Scotland*, according to the Tenor or Purport of their Commission in that behalf, should in their Wisdoms think Convenient and Necessary for Our Honour, and the Common Good of both our said Kingdoms for ever: And that the Commissioners of both Our said Kingdoms should according to the Tenor or Purport of their said Authority and Commissions in that behalf, Reduce their Doings and Proceedings therein into Writings or Instruments Quadrupartite, every Part to be Subscrib'd and Seal'd by them, to the end, that one part thereof may in all Humbleness be presented to Us, two other parts thereof to be Offered to the Consideration of the Parliament for the Realm of *England*, and another part thereof to be Offered to the Consideration of the Parliament for the Realm of *Scotland* at their next Sessions, which should be held in each Kingdom respectively after such Writings or Instruments should be Subscrib'd and Seal'd by the said Commissioners, that thereupon such further Proceedings might be had as We, and both the said Parliaments should think Fit and Necessary, for the Well and Common Good of both the said Kingdoms, to whom the Entire Consideration of the whole, and the Allowing or Disallowing of the whole, or any part thereof as they shall think fit, is wholly Reserv'd as in and by the said Act, Relation being thereunto had, may more at large appear. And whereas, in the Fourth Year of Our Reign, an Act was made and pass'd in our Parliament of our Kingdom of *Scotland*, for Enabling Us to Appoint Commissioners to Treat with Commissioners for Our Kingdom of *England*, of and concerning an
Union

Union of the said Kingdoms; NOW KNOW YE, That We Reposing especial Trust and Confidence in your Fidelity, Ability, Prudence, Industry, Diligence and Circumspection, have Nominated, Constituted and Appointed, and by these presents do Nominate, Constitute and Appoint you the said *Thomas Arch-Bishop of Canterbury, William Cooper, John Arch-Bishop of York, Sidney Lord Godolphin, Thomas Earl of Pembroke and Montgomery, John Duke of Newcastle, William Duke of Devonshire, Charles Duke of Somerset, Charles Duke of Bolton, Charles Earl of Sunderland, Evelin Earl of Kingston, Charles Earl of Carlisle, Edward Earl of Orford, Charles Viscount Townsend, Thomas Lord Wharton, Ralph Lord Grey, John Lord Powles, John Lord Sommers, Charles Lord Hallifax, John Smith, William Marques of Hartington, John Marques of Granby, Sir Charles Hedges, Robert Harley, Henry Boyle, Sir John Holt, Sir Thomas Trevor, Sir Edward Northey, Sir Spynon Harcourt, Sir John Cook, and Stephen Waller* to be Commissioners for the Kingdom of England, in this behalf, Giving unto you, any Seven or more of you full Power and Authority to Assemble and Meet with the Commissioners Authoriz'd, or to be Authoriz'd by Us, pursuant to the said Act made in Our Parliament of Scotland, or so many of them as shall be a *Quorum*, at Our Council Chamber at the *Cockpit Whitehall*, upon *Tuesday the 16th Day of April* Instant; and then and there to Treat and Consult with them, of, and concerning such an Union of the said Kingdoms of England and Scotland, and of, and concerning such other Matters, Clauses and Things as you and the Commissioners Authoriz'd, or to be Authoriz'd as aforesaid, or the Major part of you and them Assembled, shall upon mature Deliberation think Convenient and Necessary for Our Honour, and the Common Good of both Our said Kingdoms for ever; and from time to time with or without Adjournments, to Assemble and Meet at the place aforesaid, or at such other place or places as the Major Part of you and them Assembled shall think fit; and to proceed in all and every the Matters herein beforementioned Committed to your Care, according to your best Discretions: And you are to take Care that all your Doings and Proceedings in and about the Premises with the Commissioners Authoriz'd, or to be Authoriz'd as aforesaid be Reduced into Writings or Instruments Quadrapartite, and that every part thereof be Subscrib'd and Seal'd by you and them, and be presented unto Us, and the Parliaments of both Kingdoms in such Manner and Form, as in and by the said Act first mentioned is enjoyn'd and required: In Witness whereof, We have caused these Our Letters to be made Patents. Witness Our Self at *Westminster* the *10th Day of April*, in the Fifth Year of Our Reign.

Per Breve de privato Sigillo Wright.

3

At the Council Chamber in the Cockpit,

Tuesday the 16th April 1706.

In Pursuance of Her Majesties Commissions under Her respective Great Seals of Scotland and England, The Lords Commissioners of both Kingdoms, for the Treaty of Union, met at the Council Chamber in the Cockpit.

The Names of the Commissioners, as mentioned in the said Commissions, are,

Scot.	Engl.
James Earl of Seafeld Lord Chancellor.	Thomas Arch-Bishop of Canterbury.
James Duke of Queensberry Lord Privy Seal.	William Cooper Esquire Lord Keeper.
John Earl of Mar. } Secretaries	John Arch-Bishop of York.
Hugh Earl of Loudoun. } of State.	Sidney Lord Godolphin High Treas.
John Earl of Sutherland.	Thomas Earl of Pembroke and Montgomery Lord President of Council.
James Earl of Morton.	John Duke of Newcastle Lord P. S.
David Earl of Wemyss.	William Duke of Devonshire Steward of the Household.
David Earl of Leven.	Charles Duke of Somerset Master of Horse.
John Earl of Stair.	Charles Duke of Bolton.
Archibald Earl of Roseberry.	Charles Earl of Sunderland.
David Earl of Glasgow Treasurer Deput.	Evelin Earl of Kingston.
Lord Archibald Campbell Brother German to the Duke of Argyll.	Charles Earl of Carlile.
Thomas Lord Viscount Duplin.	Edward Earl of Orford.
William Lord Ross one of the Commissioners of Treasury.	Charles Lord Viscount Townsend.
Sir Hugh Dalrymple Lord President of Session.	Thomas Lord Wharton.
Adam Cockburn of Ormeistoun Lord Justice Clerk.	Ralph Lord Grey.
Sir Robert Dundas of Arnistoun one of the Senators of the College of Justice.	John Lord Powlet.
Mr. Robert Steuart of Tillicultrie one of the Senators of the College of Justice.	John Lord Sommers.

Mr.

Scot.	Engl.
Mr. Francis Montgomery one of the Commissioners of Treasury.	Charles Lord Hallifax.
Sir David Dalrymple Solicitor.	John Smith Esquire, Speaker of the House of Commons.
Sir Alexr. Ogilvie of Forglan General Receiver.	William Marquess of Hartington.
Sir Patrick Johnston Lord Provost of Edinburgh.	John Marquess of Granby.
Sir James Smollet of Bonhill.	Sir Charles Hedges Kt. } Secretaries Robert Harley Esquire. } of State.
George Lockhart of Carnwath.	
William Morison of Prestongrange.	Henry Boil Chancellor, and under Treasurer of the Exchequer.
Alexander Grant younger of that Ilk.	Sir John Holt Knight, Chief Justice of the Court of Queens Bench.
William Seton younger of Pitmedden.	Sir Thomas Trevor Knight, Chief Justice of the Court of Common Pleas.
John Clark younger of Pennicook.	Sir Edward Northey Knight, Attorney General.
Hugh Montgomery late Provost of Glasgow.	Sir Symon Harcourt Knight, Solicitor General.
Daniel Stewart Brother German to the Laird of Castlemilk.	Sir John Cook Doctor of Laws, Advocat General.
Daniel Campbell of Ardintennie.	Stephen Waller Doctor of Laws.

After the Lords, Commissioners for both Kingdoms had taken their Places, The Commissions were open'd, and Read by the respective Secretaries.

The Lord Keeper of the Great Seal of England, Addressing himself to the Lords Commissioners for Scotland, spoke in these Words,

My Lords.

WE the Commissioners appointed by Her Majesty, and Authoriz'd by the Parliament of England, To Consult and Treat with your Lordships, as Impowred in like manner, by Her Majesty and the Parliament of Scotland, concerning an Union of the two Kingdoms, and such other things as We the Commissioners on both Parts shall think convenient and necessary for the Honour of Her Majesty, and the common Good of both Kingdoms, do apprehend there never was (in any Assembly of this nature) so little occasion as at present, for the Commissioners of England, to give any verbal Assurances of their Zeal to Promote and compleat (so far as in their Power) the great and good Design we are met about, since it cannot be doubted, but that we bring along with

us the same Sentiments, which so lately appeared in the Parliament of *England*, when they took care to manifest by a solemn Act, that they did postpone all other Considerations to their evidencing a good and Friendly Disposition towards the Kingdom of *Scotland*.

The Parliament of *England*, in making that unexpected Advance, seem'd Resolved, if possible, to attain that Union, which hath been so long thought necessary, by all that wish well to the Prosperity of both Nations.

And We most sincerely assure your Lordships, That we accordingly meet your Lordships, with Hearts fully Resolv'd to use our outmost Endeavours to remove all Difficulties in this Treaty, to prevent all Misunderstandings, to cherish and Improve the Good Dispositions to one another we meet with, to have the General and Joynt Good of both Kingdoms, solely in our View, and not the separate of either; but to Act, as if we were already United in Interest, and had nothing left to Consider, but what Settlements and Provisions are most likely to conduce to the common Safety and Happiness of this whole Island of *Great-Britain*.

Which Measures, if pursued on both Parts, we hope may enable us to prepare such Terms of Union, as may prove satisfactory to Her Majesty, and the Parliaments of both Kingdoms.

And the Earl of Seafield, Lord High Chancellor of Scotland, on the part of the Lords Commissioners for Scotland, spoke as followeth,

My Lords,

THe Lords Commissioners for *Scotland*, have desired me to Assure your Lordships, that they meet you on this Occasion, with great Willingness and Satisfaction, to Treat of an Union between the two Kingdoms, and of such other Matters and Concerns, as may be for Her Majesties Honour, and the maintaining a Good Understanding between the two Nations.

We are convinced that an Union will be of a great Advantage to both; the Protestant Religion will be thereby the more Firmly Secured; the Designs of our Enemies effectually Disappointed; and the Riches and Trade of the whole Island Advanced.

This Union has been often Endeavour'd, both before, and since the Kingdoms were United in Allegiance under one Sovereign; and several Treaties have been set on foot for that End, tho without the desired Success; But now we are hopeful that this shall be the Happy Opportunity of Accomplishing it; Her Majesty hath frequently signify'd Her Good Inclinations towards it; And we are the more Encouraged to expect Success in this Treaty, by the Good Disposition appeared in the Parliament of *Scotland* for it, and by the Friendly proceedings in the last Session of the Parliament of *England*, which gave general satisfaction.

We

We have great Confidence in your Lordships Good Intentions, and we shall be ready on our parts, to enter into such Measures with you, as may bring the Treaty to such a Conclusion, as may be acceptable to Her Majesty, and to the Parliaments of both Kingdoms.

Ordered that Copies of the Two Commissions be prepared and Sign'd by the respective Secretaries, and Interchang'd against the next Meeting.

Adjourn'd to Munday next, the 22d. instant, 6 a Clock in the Evening.

Munday, the 22d. April 1706.

THE Lord Keeper, in Name of the Lords Commissioners for England, Deliver'd to the Board Articles of Preliminaries, which were Read as followeth.

I. THAT all Proposals made by either side, be made in Writing, and every point agreed on shall be reduced into Writing.

II. THAT no Point, tho' agreed on, and reduced into Writing, shall be Obligatory on either side, till all Matters be adjusted in such manner as will be proper to be laid before the Queen and the two Parliaments for their Approbation.

III. THAT there be a Committee appointed, consisting of a certain Number of each Commission, to Revise the Minutes of what passes, which are not to be inserted by the Secretaries in their respective Books, but by Order of the said Committee, having first made Report thereof to the respective Commissioners, and receiv'd their Approbation of the same.

IV. THAT all the Proceedings of the Commissioners of both Kingdoms, during the Treaty, be kept secret.

The Lord Keeper also deliver'd to the Board the following Proposal, which was Read.

That the Two Kingdoms of *England* and *Scotland* be for ever United into one Kingdom by the Name of *Great-Britain*; That the United Kingdom of *Great-Britain* be Represented by one and the same Parliament; and that the Succession to the Monarchy of the United Kingdom of *Great-Britain*, in case of Failure of Heirs of Her Majesties Body, be according to the Limitations mentioned in an Act of Parliament, made in *England*, in the 12th and 13th Year of the Reign of the late King *William*, Intituled, *An Act for the further Limitation of the Crown, and the better securing the Rights and Liberties of the Subjects.*

Adjourn'd to Wednesday the 24th instant 5. in the Evening.

Wednesday the 24th April 1706.

The Lord Chancellor of *Scotland* acquainted the Board, That the Lords Commissioners for *Scotland* do agree to the Preliminary Articles propos'd by the Lords Commissioners for *England* at the last Meeting,

Meeting, for Regulating the Methods of Proceedings in this Treaty.

The following Proposals were also delivered to the Board by the Lord Chancellor of Scotland; and were Read.

1. That the Succession to the Crown of Scotland, in case of Failure of Heirs of Her Majesties Body, shall be Established upon the same Persons mentioned in an Act of Parliament made in England in the 12th and 13th Year of the Reign of the late King William, Intituled, *An Act for the further Limitation of the Crown, and the better Securing of the Rights and Liberties of the Subjects.*

2. That the Subjects of Scotland shall for ever enjoy all Rights and Priviledges, as Natives of England in England, and the Dominions thereunto belonging; and Reciprocally, That the Subjects of England shall enjoy the like Rights and Priviledges in Scotland.

3. That there be free Communication and Intercourse of Trade and Navigation between the two Kingdoms, and Plantations thereunto belonging, under such Regulations, as in the Progress of this Treaty, shall be found most for the Advantages of both Kingdoms.

4. That all Laws and Statutes in either Kingdom contrary to the Terms of this Union be Repealed.

The Lords Commissioners for England withdrew, and being Return'd, The Lord Keeper, in their Lordships Names, Delivered to the Board the following Answer, which was Read.

THE Lords Commissioners for England are so fully convinced, that nothing but an Entire Union of the two Kingdoms, will settle perfect and lasting Friendship between them; That they therefore think fit to decline entering into any further Consideration of the Proposal now made by the Lords Commissioners for Scotland, as not tending to that End and Desire; That the Lords Commissioners for Scotland would be pleased to give in their Answer, to the Proposal delivered on Monday the 22d instant by the Lords Commissioners for England, in order to an entire Union of both Kingdoms.

Adjourn'd to Thursday the 25th instant 5 in the Evening.

OBSERVATIONS on the MINUTS of the three first Days.

The Ceremonies on either Hand being over, Wednesday was the first Day in which it may be said, anything of Business was entred upon.

The Commissioners on the English side presented a Summary, as it may be call'd, of an Union in General, by which it is plain, a compleat Incorporation of the two Kingdoms was propos'd.

The Scots Proposal was less General, and yet readily agreeing to the Succession, to a Communication of Privileges, and an Intercourse of Trade.

I mention this here, because it was afterwards objected to the Treaters on the Scots side in the following Parliament, That they

they had given up their Countrey to the *English*, in coming into an Incorporating Union immediately, without proposing any Terms which might have been more Advantageous to *Scotland*.

It is manifest the *Scots* Commissioners did make Proposals of Uniting, which were not Incorporating; or at least, which being restricted to their own Countrey only, were significant of a Concern for *Scotland*, leaving the Proposal on the behalf of *England*, to the *English* Commissioners.

But, as will appear in the subsequent Minuts, the *English* Commissioners were come to a Resolution previous to this Treaty, *viz.* That nothing could compleat the Felicity of either Kingdom, and for ever remove all possible Difficulties, Breaches, and Separation of Interests from among them for the future, but an entire and Incorporating Union, by which the two Nations should be formed into one Government, be under one Sovereign Head, in one Represented Body, standing upon one Foundation, enjoying equal Privileges, and in common bearing one general proportion of Burdens, the same in End and Mean, having but one Common Interest, one Name, and being for ever hereafter but one People.

This therefore they laid down as the *Tasks* of their future Conferences, and pursuant to this, the first General they delivered in, contain'd the Three and most Essential Articles of the following Treaty, *viz.* The Uniting the Two Kingdoms into One, the settling the Representation in one Assembly of Parliament, and the settling the Succession in the same Line.

And the *Scots* Proposals being short in the General Incorporating Part, the *English* Commissioners insisted upon it, as above, declining to Treat upon Particulars till that was first Determin'd; all Debate of Particulars being not so directly tending to a Conclusion, till the great and main Question was Agreed to, Whether the Union should be Entire or no, in the sense as above.

The prosecuting this Question will effectually Defend the *Scots* Commissioners, who tho they were afterward convinc'd of the main Point in Debate, *viz.* That nothing but an Entire Union would be effectual to settle a lasting Friendship between the two Nations, yet did not so easily give up their other Proposals, as was suggested; nor did they give them up at all meerly upon the *English* Commissioners refusing to Treat on any other Foot—For the directest Answer to a Resolution so positive as that might have been thought to have been an equal Stiffness, and refusing to resolve upon so general a Clause, till other Heads had been Adjusted.

But the Commissioners on the *Scots* side found themselves convinc'd, *First*, Of the Sincerity and candid Intentions of the Commissioners on the *English* Part, to pursue such a Treaty, and in such a manner, as might most conduce to the mutual Happiness

piness of both Kingdoms, and to make the Union both Lasting and Effectual.

Secondly, They found themselves convinc'd upon serious Debate and further Enquiry into Particulars, that nothing but this Incorporation of Interests, Privileges, and Circumstances, could make an Effectual, Lasting, Indissolvable Union, and so they came unto it with the same Sincerity, and from the same candid Design of settling the whole, and of Acting to the advantage of Either Party—Not being at all Over-ruled, Awed, or Drawn in, as was objected afterwards against them—And this would appear at large, if the long Debates, Speeches, and Arguments on both Sides could have been recover'd.

Thursday 25th April 1706.

THE Lord Chancellor, in the Name of the Lords Commissioners for *Scotland*, delivered to the Board an Answer to the Proposal made on the 22d instant, by the Lords Commissioners for *England*, with a Provision therein-mentioned, which was Read.

THE Lords Commissioners for *Scotland*, have considered the Proposal given in to them by the Lords Commissioners for *England*, on *Monday* the 22d instant, and do agree, that the two Kingdoms of *Scotland* and *England*, be for ever United into one Kingdom, by the Name of *Great-Britain*; That the United Kingdom of *Great-Britain*, be Represented by one and the same Parliament, and that the Succession to the Monarchy of the Kingdom of *Great-Britain* (in case of Failure of Heirs of Her Majesties Body) shall Descend upon the most excellent Princess *Sophia* Electress and Dutches Dowager of *Hannover*, and remain to her and the Heirs of her Body, being Protestants, to whom the Succession to the Crown of *England* is provided, by an Act made in the 12th and 13th year of the Reign of the late King *William*, Intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects, and excluding all Papists, and who shall Marry Papists, in the Terms of the said Act* ; With this provision, That all the Subjects of the United Kingdom of *Great-Britain*, shall have full Freedom and Inter-course of Trade and Navigation, to, and from any Part or Place within the said United Kingdom, and Plantations thereunto belonging; and there be a Communication of all other Privileges and Advantages, which do, or may belong to the Subjects of either Kingdom.

THE Lords Commissioners for *England* withdrew, and being returned, the Lord Keeper did in the Name of the Lords Commissioners for *England*, deliver to the Board the following Reply, which was Read.

THE Lords Commissioners for *England* are of opinion, that the Provision added by the Lords Commissioners for *Scotland*, to the Proposal made by the Lords Commissioners for *England*, upon the 22d instant, is a necessary Consequence for an entire Union; And therefore

therefore their Lordships do Agree to the said Provision, under such Terms as in the further Progress of this Treaty, shall be found to be for the common Advantage of both Kingdoms.

A Committee was appointed in Pursuance of the Third Article of Preliminaries for Revising the Minuts, and there was Nominated on the part

of

Scotl:

Earl of Sutherland,
Earl of Leven.
Lord President of Session.
Lord Justice Clerk.
John Clark of Pennicook.
Or any three of them.

Engl:

Lord Grey.
John Smith Esquire Speaker of
the Commons.
Sir Thomas Trevor.
Sir John Cook.
Doctor Waller.
Or any three of them.

Adjourn'd to *Monday* the 29th instant 5 in the Evening.

OBSERVATION II.

The Commissioners for Scotland, after the Debates and Reasonings on the last Day about the general Proposal of the Union, as an Incorporating Entire Union, had also a Meeting among themselves, in which it was Determined after a long Consideration, to Agree to the Proposal made by the English Commissioners, of a full and entire Incorporation.

This is what was afterwards reflected on in Scotland, and which the opposing Party called *A Betraying their Countrey*; and as far as possible incensed the People against them, who pointing on the word *Treaters*, called them *the Traitors*; and on this Foot it was, that when the Rabble in *Edinburgh* first took a Head, they pretended to Insult the *Treaters*, as the Persons that had given them up to the English, and accordingly began with *Sir Patrick Johnston*, a Person who was otherwise universally beloved among them, and had merited the Esteem he had with them, by a Sober, Discreet, and Gentlemanlike Behaviour, as well when in the Government, *having been Provost of Edinburgh but the year before*, as at all other times.

Monday April the 29th 1706.

THE Lord Keeper, in the Name of the Lords Commissioners for England, deliver'd to the Board, the following Proposal, which was Read.

THAT there be the same Customs, Excises and all other Taxes; and the same Prohibitions, Restrictions, and Regulations of Trade throughout the United Kingdom of Great-Britain.

THE Lords Commissioners for *Scotland* withdrew, and being return'd, the Lord Chancellor, in their Lordships Names, delivered to the Board the following Answer, which was Read.

THE Proposal given in by your Lordships contains so many particulars, that the Lords Commissioners for *Scotland* do propose, before they offer any Answer to it, that there be a Committee appointed of an equal Number of each side to adjust the several Points therein, and desire that your Lordships will order an Accompt of the Taxes and other things in your Proposal to be laid before the said Committee, as the Lords Commissioners for *Scotland* shall be ready to do on their parts.

THE Lords Commissioners for *England* withdrew, and being returned, the Lord Keeper in their Lordships Names delivered to the Board the following Reply, which was Read.

THE Lords Commissioners for *England* have desired a State of the Taxes, and other things in their last Proposal mentioned, to be laid before them, in order to refer the same to the consideration of a Committee to consist of an equal Number of each side, which their Lordships propose to be the number of Eleven on each part, and of them any Six to have power to proceed in the Matters referr'd to them.

THE Lords Commissioners for *Scotland* agreed to appoint a Committee to consist of Eleven of each side, and of them any Six to have power to proceed, and that they should be Nominated next Meeting.

Adjourned to the 1st of May 1706. 6 in the Evening.

Wednesday the 1st of May 1706.

THE Lords Commissioners for both Kingdoms proceeded to Nominate the Committee agreed on the 29th ulto. to consider Matters to be to them referr'd, and the Lords Commissioners following, were Nominated to be the said Committee.

On the part of

Scotl.
Lord Chancellor.
Duke of *Queensberry*.
Earl of *Mar*.
Earl of *Loudoun*.
Earl of *Sutherland*.
Earl of *Leven*.
Earl of *Stair*.
Lord *Duplin*.
Lord President of Session.
Lord Justice Clerk.
Sir *Patrick Johnstone*.

Engl.
Duke of *Somerfet*.
Duke of *Bolton*.
Earl of *Sunderland*.
Lord *Townsend*.
Lord *Wharton*.
Lord *Sommers*.
Speaker of the Commons.
Marquess of *Hartington*.
Mr. Secretary *Harley*.
Henry Boyle Esquire.
Sir *Simon Harcourt*.

Agreed

Agreed the abovenam'd Committee meet to Morrow morning
ten a Clock, and that they have power to Adjourn themselves.
Adjourn'd to *Friday* the 3d instant.

Friday the 3d May 1706.

THE Lord Treasurer of *England* acquainted the Board that he was directed by the Lords Commissioners for *England* to let their Lordships know, That the Accompt of the Revenues and Debts of *England* desir'd the 29th past to be laid before the Board had been prepared, but were not drawn in such a manner as would fully answer the End for which they were propos'd, for which Reason they were directed to be drawn in another method, and hop'd they would be got ready to lay before the Board next *Munday*.

Adjourn'd to *Munday* the 6th instant.

OBSERVATION III.

The main Points of Union being thus settled, as above, and all the Federal Provincial and Confederating Schemes, which the World without Doors had filled their Heads with, being vanish'd, the Commissioners fell clost to their Work ; and the first Article propos'd by the *English* Commissioners laid the Scheme of the whole Affair, viz. Customs, Excises, and Temporary Taxes, Prohibitions, Restrictions, and Regulations of Trade.

The great Question now before them was, how to fix a Center in all these, or a great Standard of Equalities, so as every part might bear its equal Share of the Burdens of the War, in Proportion to its Capacity, and every part enjoy its equal Share of the Advantages of Commerce, each bear an equal part of the Weight of the Government, and reap an equal part of its Protection. This Scale of Equalities had a great Variety of Discording Parts in it; To bring together the Difficulties of which was the Business now before them, and the Method of Reconciling them, will appear in the further Observations on these Proceedings.

The first thing requisite to bring this Matter into a way of Debate, was for either side to give in a True State of the ordinary Revenue, the Debts and the Extraordinary Taxes of either Kingdom, that a Scale of Proportions might be formed.

I mention it here, to note how naturally every thing occur'd, in order to the main End; and how, after the first Concession of an entire Incorporation, every thing, that might tend to Compleating that Design, came in of Course; For, without doubt, Equalities and Proportion of Taxes, Privileges and Advantages, was, and must be the only Method, to bring about a compleat entire Union of Interests, and it was impossible to be done without it.

The Undertaking indeed Amazed the World, and when People began to look into it with but a transient View, it appeared a perfect

perfect *Chaos*, a Mass of Absurdities, which it would be impossible to Reconcile; The People, who had proposed their Federal Schemes, laugh'd at this Project, and talk'd of it as impracticable, called it a *Chimera* of the *English* Ministry, and pretended to Prophecy its Dwindling into Nothing, and bringing the Treaty to the same Issue, as was done in the last Commission.

But, when Abler Heads began to look into it, and take it to Pieces, the Parts all appear'd capable of Reduction into Form, and the Presages of the Gentlemen who had ~~so~~ Banter'd it, appear'd groundless, the Mass began to move, and every thing retiring to its proper place, guided by the Temper, Moderation, and Application of the Commissioners, the Beautiful Thing, called Union, began to shew it self, and the Nation began to conceive Hopes of its being perfected, in spite of all the seeming Difficulties, with which the Enemies to the Design had clog'd Mens Expectation —, as will appear hereafter.

To bring the Ballance of Circumstances upon the Stage, it was absolutely necessary to enter into the several Inequalities, in which the two Kingdoms then stood; These Inequalities, as they lay particularly before the Treater, consisted in Matters of Taxes, Customs, Excises and Commerce.

In order to state these, the several Debts and Revenue of the respective Nations were stated; Abstracts of which are annexed to these Observations, as they were given in to the Commissioners of both Kingdoms.

Munday the 6th of May, 1706.

The Lord Keeper acquainted the Board, That the Lords Commissioners for *England* had delivered to their Secretary a State of the Revenues and Income of *England*, and also of the Debts of the said Kingdom, which were to be laid before the Lords of the Committee of both Kingdoms at Their next Meeting.

Adjourn'd to Thursday the Ninth instant.

Thursday the 9th of May 1706.

The Lord Chancellor acquainted the Board, That the Lords Commissioners for *Scotland* had delivered to Their Secretary, an Account of the Revenue in *Scotland*, and the Summe about which the Debts of that Kingdom would amount to, to be laid before the Lords of the Committee of both Kingdoms.

The Lord Chancellor, in the Name of the Lords Commissioners for *Scotland*, Deliver'd to the Board an Answer to the Proposal made by the Lords Commissioners for *England* on the 29th April, which was Read.

The Lords Commissioners for *Scotland* do agree, That all parts of the United Kingdom of *Great-Britain* be under the same Regulations, Prohibitions and Restrictions, and lyable to equal Impositions
and

and Duties for Export and Import; but in regard several of the Funds relating to the Customs, are already appropriated for the payment of Debts properly belonging to *England*, It's propos'd that an Equivalent be allowed for them.

The Lords Commissioners for *Scotland* do also Agree, That all the Subjects of the United Kingdom shall be lyable to equal Land Taxes, or Taxes upon the Pound-rent, Providing the Proportion for *Scotland* shall only be *l. 12000*, when one Shilling is impos'd on the Pound Rent on *England*; so that *48000* in *Scotland* shall be reckon'd equal to the *4 Shil.* Aid now impos'd on *England*, and so proportionable, and to be rais'd in the same manner now used in *Scotland*, and free of all Charges.

The privat Rights of Corporations and Companies are reserv'd to be considered in the Course of this Treaty.

The Lord Chancellor, in the Name of the Lords Commissioners for *Scotland*, deliver'd also to the Board the following Proposal, which was Read.

The Lords Commissioners for *Scotland* do propose, That neither of the Kingdoms be burthen'd with the Debts of the other contracted before the Union.

Adjourn'd to Friday the 10th instant, 5 in the Evening.

OBSERVATION IV.

It was in the Debates of this Day, that the great Difficulties lay; and indeed those that seem'd most concerned for the Success, apprehended something here too difficult to be Mastered, and that would render all the rest Abortive.

The State of the Affairs of either Nation was in short thus,

1. *England* had very large Incomes or Revenues, and their Customs and Excise brought in vast Sums, viz.

Customs, *1341559 l. per Annum.*

Excises, - *947602 l. per Annum.*

But, on the other Hand, *England* had vast Debts lay upon them to discharge; and for the Discharge of which, these Revenues, and almost all their other Taxes, the Land Tax and Malt Tax excepted, were Appropriated.

2. *Scotland* had but small Revenues, her Customs and Excise producing but the following Sums, viz.

The Customs let out in Tack or Farm from Year to Year only at *30000 l. per Annum.*

The Excise, Farmed also, at *35000 l. per Annum.*

But then the Revenue of *Scotland* was entirely free from Anticipations, or Appropriations on any Account of Debt; Not, but that there were Publick Debts too, but the Revenue was not Charged with them.

Now, upon the Uniting the Revenues of both Kingdoms, under these differing Circumstances, there were but two possible Methods that could be propos'd;

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Either,

Either, 1. That each Kingdom coming to a full Point in Matters of Revenue, should, like two Tradesmen coming into Partnership, pay off their own respective Debts, and bring in their several Proportions of Stock clear of all Incumbrances.

Or, 2. That, putting the General Accounts of Debts and Stock together, the *English* should make good the Inequalities to the *Scots* some other way.

The *Scots* Commissioners wisely proposed, for the Ease of their own Country, That the Revenues of *Scotland* should not be at all Chargeable with the *English* Debts —; And this was thought to be a very good Argument, to Excuse *Scotland* from some Duties, which, notwithstanding the General Article of paying Equal Taxes, *Scotland* could by no means bear; Of these, as they respect Customs or Excises, Foreign or Home Trade, I shall speak as they come in Order.

But the *English* Commissioners adhering to the first Principle of the Treaty, viz. Of its being an intire Incorporating Union, were on that Account obliged to insist upon this also, which formed afterward the Sixth Article, viz. That there be an Equality of Customs, Excises, and all other Taxes thro'out the United Kingdom, as that without which the Union could not be entire.

This being laid down as a general Thesis in the whole Debate, two things came in Course to be Examined as Mediums.

1. A Scale of Proportions to form the Equalities.
2. An Equivalent to be given for supplying unavoidable Inequalities.

And this will be found to run thro' the whole Series of the Treaty, as the Foundation of the whole; and however after Ridicul'd and Reflected on by the Opposers of the Treaty, it appears to be the only Foundation they could have gone upon, and which was the only Medium to bring the Treaty into a possibility of coming to a happy Conclusion.

No Man could deny but all Equalities consisted in Proportions, and to have extended the thing called Equality of Taxes, to a Numerical Equality, as some pretend in *England*, was saying nothing, the Customs, manner of Valuation of Land, and innumerable Circumstances of *Scotland*, rendering it Impracticable.

The *English* Commissioners therefore when they insisted upon an Equality of Taxes, readily agreed to the giving *Scotland* an Equivalent for the payment of their own Debts, so far as their Customs and Excises should come into the Appropriations of the *English* Revenue.

What Alterations, Exceptions, and Abatements were made as to Equalities of Taxes, will be spoken to in the Minutes of the *Scots* Parliament, where the Exceptions were made, and those Calculations Adjusted.

Friday

Friday the 10th May 1706.

THE Lord Keeper, in the Name of the Lords Commissioners for *England*, deliver'd to the Board, a Reply to the Answer made on the 9th instant, by the Lords Commissioners for *Scotland*, to their Lordships Proposal on the 29 April last, which was Read.

The Lords Commissioners for *England* observing, that in the Answer made by the Lords Commissioners for *Scotland*, the 9th instant, to their Lordships Proposal of the 29 April, That there be an Equality of Customs, Excises and all other Taxes thro-out the United Kingdom of *Great-Britain*, the Lords Commissioners for *Scotland* take no notice of what relates to Excises, The Lords Commissioners for *England* do therefore think it necessary to insist upon their said Proposal, as that without which there cannot be an entire Union between the two Kingdoms, of which their Lordships are so desirous on their Parts, that they are ready to agree to an equivalent for what *Scotland* shall be Taxed towards Payment of the Debts of *England* in all Particulars whatsoever.

Adjourn'd to Munday the 13th instant 10 in the Morning.

Munday the 13th May 1706.

THE Lord Chancellor in the Name of the Lords Commissioners for *Scotland*, deliver'd to the Board a further Answer to the Proposal made by the Lords Commissioners for *England* on the 29th April last, which was Read.

THE Lords Commissioners for *Scotland* did take into their Consideration the Proposal offered by the Lords Commissioners for *England* the 29th April, & found it comprehended so many Particulars, That they judg'd it most proper to answer it Point by Point; Accordingly on the 9th Instant, they gave an Answer as to the Customs & Land-tax, and did not mention any thing therein of the Excises, because the Consideration of these was depending before the Committee of the Commissioners of both sides; but to satisfy the Lords Commissioners for *England*, That nothing shall be wanting on the part of the Lords Commissioners for *Scotland*, that is necessary for the attaining an entire Union, they do agree to the Equality of Excises on Ale, Beer, Mum, Cyder, Sweets, Perry, Low-Wines, Aquavita and Spirits; But they do propose an Exemption from all other Burthens and Excises within *Scotland* for a competent Time, to be adjusted in the course of this Treaty, That the Subjects of *Scotland* may (by the benefit arising from the Communication of Trade) be put in a Capacity to bear a Proportion of other Burthens and Excises, being willing at the Commencement of the Union, to bear equal Excises on all that is Exported from *Scotland* to *England* or the Plantations; And the Lords Commissioners for *Scotland* do hope, that the Lords Commissioners for *England* will be convinced that the Immunitie from these other Burthens and Excises for a term of Years, is consistent with an entire Union, and will

will not put the Trade on an unequal Foot, when the present Circumstances of both Kingdoms are duly considered.

And whereas the Lords Commissioners for *England*, did, by their Proposal, declare they were ready to agree to an Equivalent for what *Scotland* shall be Taxed in towards the payment of the Debts of *England* in all particulars whatsoever, the Lords Commissioners for *Scotland* are ready to enter with their Lordships into the consideration of this Equivalent, and how to make it effectual.

THE Lords Commissioners for *England* withdrew, and being return'd, The Lord Keeper, in their Lordships Names, deliver'd to the Board, their Reply to the foresaid Answer, which was Read.

THE Lords Commissioners for *England*, taking into their Consideration, the Paper delivered to them this Meeting, by the Lords Commissioners for *Scotland*, are so sensible of the Lords Commissioners for *Scotland*'s having Agreed to an Equality of Excises, as to all Excysable Liquors (as the Lords Commissioners for *England* understand the same) and to an Equality of Excyses and Burthens on all Goods Exported to *England*, and the Plantations, which the Lords Commissioners for *England* do not doubt, will be Agreed to by the Lords Commissioners for *Scotland*, as to all Goods Exported to all places whatsoever, that to shew their Readiness to comply with every thing Reasonable, to the bringing this Treaty to a Good Effect; They are willing to enter into the consideration of the particular Excyses and Burthens Point by Point, which being of several Natures, so that they will require to be distinctly considered, The Lords Commissioners for *England* find it necessary to desire a little time, for giving their Opinion on each particular Head: But in General are inclin'd to consent to an Exemption of Excyses and Burthens, as propos'd in such cases, where it may be done without prejudice to the Trade, or Manufactures of *England*: As to the Excyses, where an Exemption cannot be consented to without such Inconveniency, The Lords Commissioners for *England* will consider of a proper Equivalent, or some other expedient to promote the desired Union of the two Nations.

AND as to those Customs and Excyses, to which their Lordships have already Agreed, and for which an Equivalent is to be allowed to the Kingdom of *Scotland*; The Lords Commissioners for *England* do think it would tend to the Dispatch of this Treaty, that the Committee already appointed should continue to sit, in order to the Adjusting that Matter.

Adjourn'd to Wednesday the 15th Instant, 5 in the Evening.

Wednesday the 15th May, 1706.

THE Lord Keeper, in the Name of the Lords Commissioners for *England*, delivered to the Board an Answer to the Proposal made by the Lords Commissioners for *Scotland* on the 13th Instant, which was Read.

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THE Lords Commissioners for *England*, taking into consideration the Proposal made by the Lords Commissioners for *Scotland* on the 18th Instant, That the Kingdom of *Scotland* should be for a competent time, Exempted from all Excyses and Burthens, others than such as have been agreed unto by the Lords Commissioners for *Scotland*; Have in order to comply with the said Proposal, so far as can be done, without prejudice to the Trade and Manufactures of *England*, distinctly enumerated and considered, the several Excyses and Burthens, which are now payable by virtue of the divers Acts of Parliament in *England*, and which have not yet been Agreed to by the Lords Commissioners for *Scotland*, and do find the same to consist of the particulars, which are hereafter mentioned, together with the Opinion and Answers of the Lords Commissioners for *England*, to the said Proposal, as to each of the said respective Duties.

I. The Duty on Stamp-Paper, Vellom and Parchment, one Moiety whereof expires on the first of *August* 1710; The Lords Commissioners for *England* do consent, That the Kingdom of *Scotland* be exempted from the whole Duty until the first of *August*, which shall be in the Year of Our Lord 1710.

II. The Duty on Births, Marriages and Burials, which being to expire the first of *August* next, and therefore before the desirable Union can take place, The Lords Commissioners for *England* do conceive it to be wholly Unnecessary to enter further into the Consideration of that Duty.

III. The Duty payable on Windows and Lights till the first of *August* 1710: The Lords Commissioners for *England* are of Opinion, That the Kingdom of *Scotland* shall be exempted from the said Duty during that Term.

IV. The Duty on Coals and Culm payable to the 30th *September* 1710; As to this Duty, the Lords Commissioners for *England* do consent, That the Kingdom of *Scotland* do remain exempted from the said Duty during the said Term, as to all Coals and Culm consumed within the Kingdom of *Scotland*, and no otherways:

V. The Duty on Mault granted for no longer time than the 24th *June* 1707; The Lords Commissioners for *England* do consent, That the Kingdom of *Scotland* shall remain exempted during the said Term from the said Duty.

VI. The Duty on Salt; As to this Duty, the Lords Commissioners for *England*, to shew their Willingness to ease for some time the Poor of the Kingdom of *Scotland*, do consent, That the Kingdom of *Scotland* shall, for a competent time after the Union, (to be settled in the Progress of this Treaty) remain exempt from the Payment of that Duty for all Salt spent in Kind, or Used in Provisions spent within the Kingdom of *Scotland*: Provided, that the Lords Commissioners for *Scotland* do propose effectual Methods to the Lords Commissioners for *England*, for securing, that the like Duties, as are now payable in *England*, be payed and Collected in the Kingdom of *Scotland* after the Union, without Fraud, as to all Salt Exported from that Kingdom, either in Kind or Provisions.

The Lord Chancellor, in the Name of the Lords Commissioners for *Scotland*, deliver'd to the Board an Explanation of their Agreement to the Excises, &c. mentioned in their Lordships Paper deliver'd to the Board the 13th Instant, which was Read.

The Lords Commissioners for *Scotland*, by their Paper delivered the 13th Instant, did mean an Equality on all Exciseable Liquors, as the Lords Commissioners for *England* did understand it; and they are willing there be an Equality of Excises and Burthens on all Goods Exported to all places whatsoever, which they agreed to by their Proposal the 9th Instant.

Adjourn'd to Friday the 17th Instant, in the Evening.

Friday the 17th May, 1706.

The Lord Chancellor, in the Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, in Relation to the several Taxes and Excises, to which their Lordships had agreed, and renewing their Proposal of the 13th Instant, for a General Exemption for some competent time, from all other Excises and Burthens, than those already agreed to, which was Read.

The Lords Commissioners for *Scotland*, since the last General Meeting, have again considered the Proposition made by the Lords Commissioners for *England* the 29th April last, viz. That there be the same Customs, Excises and all other Taxes; and the same Prohibitions, Restrictions and Regulations of Trade thro'out the United Kingdom of *Great-Britain*, with the Papers which have been since delivered by the Commissioners of both Kingdoms upon that Subject, and do with great Satisfaction Observe, that the difference, as to that Important Proposal, is brought to a very narrow Compass. And the Lords Commissioners for *Scotland* take this Occasion to Acknowledge the Sense they have of the Regard shown by the Lords Commissioners for *England*, for the Subjects of *Scotland* after the desir'd Union; And the Lords Commissioners for *Scotland* having, by their several Proposals and Answers, agreed to the same Regulations of Trade, and to an Equality of Customs and Excises upon all Exciseable Liquors, and a Quota of Land Tax, all to commence from the Union; As also to an Equality of all other Taxes after some Years, They do conceive, that they have fully complied with the said Proposal of the 29th April, excepting only, that they have propos'd an Exemption for sometime from all further Burthens, than those expressly consented to. And as to the Exemption desired, The Lords Commissioners for *Scotland* are very sensible, That the Lords Commissioners for *England* have not only, by their Paper of the 13th Instant, declared, That they were inclin'd to consent in General, to an Exemption of Excises and Burthens, as propos'd in such Cases, where it might be done, without prejudice to the Trade and Manufactures of *England*; But that, in pursuance of that Good Disposition, Their Lordships, by their Paper the 15th Instant, have consented to an Exemption
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in Favour of the Subjects of *Scotland*, from the several Duties, and for the particular Terms therein mentioned, whereby the Immunity desired is so far Granted; But the Lords Commissioners for *Scotland*, from their Consideration of the present Circumstances of that Kingdom, find themselves under a Necessity to renew their Proposal of a General Exemption, for some competent time, from all other Excises and Burthens, Besides those great Duties and Taxes already consented to, That the Subjects of *Scotland* may, by the Benefite of Trade, be enabled Cheerfully to bear an Equality of all other Burthens, which will greatly Advance a firm Union and Coalition of Affection and Interest betwixt the two Kingdoms.

Adjourn'd to Saturday the 18th Instant, 3 in the Evening.

OBSERVATION V.

"The Commissioners were now entered upon the great Enquiry about Equalities, and the first Matter relating to Taxes was that of the Land Tax; The Land Tax in *England* was a Formidable Thing, being called a Tax of Four Shillings in the Pound of the Rent of Lands, &c. And the People who were Fond of Throwing a Tangled Skein in the Hands of the Treaters, that might Shock them at the beginning, would have gone upon that Foot, alledging, That tho' the Rents in *Scotland* were differing from those in *England*; yet that 20 *sh. sterl.* Revenue being the same thing any where, it could as well afford to pay 4 *sh.* out of it in *Scotland* as any where else; and upon this Foot, it seems, were for bringing the Rents of Land in *Scotland* to a true Estimate, and so they would call this way of Taxing an Equality.

"But to this it was Answer'd, *First*, That the *Scots* way of Collecting their Taxes, being rigorous and exact, if 4 *s. per l.* were laid by Parliament upon the whole Island, their Assessments would *bona fide* be 4 *s. per l.* upon the Rack Rent of all their Lands.

"Whereas 4 *s. per l.* in *England* never puts the Assessors out of their old Road, but every County being Rated in the very Body of the Act, the Title is *Ipso Facto* Repeal'd, since if the Lands, &c. of that Country will raise the Money by an Assessment of 1 *s. 6 d. per Pound*, and 'tis known some do for less, the Law is satisfied, and the End answered.

"Now to Tax *Scotland* at 4 *s. per l.* upon her Nett Rent, and Tax the Northern and Western Counties of *England* but at so much Money, which they can raise by a Proportion of 16 *d.* to 20 *d.* at most *per l.* would be unreasonable.

"So that it was plain, *Scotland* could not be Taxed at a Pound Rate, but at a Proportioned Summ, leaving them to the Division of it, to raise it as they see fit.

"II. The Sum charg'd upon Lands in *England*, after it is levied and raised from the Tenant, stands charg'd with large Deductions

• ductions and Charges, upon the Levying, Collecting, and Re-
 • ceiving; and those Charges, if some Calculations are right,
 • amount to little less than 9 *d. per l.* upon the Money receiv'd,
 • besides publick Losses by the Insolvency of Receivers and their
 • Securities, which oftentimes runs deep into the Money; and
 • which tho' they cannot be brought into an exact Account, yet
 • put all together, 12 *d. per Pound* may at least very well be
 • Charg'd upon the whole, as an Off-Reckoning or Discount up-
 • on the Money, between the Collection and Exchequer.

• " This 12 *d. per Pound* upon the Money Collected is 2 *d. $\frac{2}{3}$ per*
 • Pound upon all the Rents in *England*, and amounts in every
 • Land Tax to near a Hundred Thousand Pound *Sterling*.

• " Now as on the other hand, the *Scots* Collect all their Tax at
 • their own Charges, clear of all Losses, Deficiencies or Defalca-
 • tions, and pay it in Nett to the Exchequer or Publick Trea-
 • sure, to Charge them by the same Numerical Equality with *Eng-*
 • land, would be to make them pay their Taxes clear of Charge,
 • and bear part of the Expence and Loss in Collecting ours.

• " III. Differing Customs and Manners of paying Rent, and
 • letting out Lands in the two Kingdoms, make a Numerical
 • Equality Impracticable.

• " In *England* the Rents are paid in Money, in *Scotland* they are,
 • generally speaking, paid in Kind, or Victual, as they call it :
 • Now tho' 'tis true this may, and is, in some respect, brought
 • to a Head by a General Valuation, yet, with this Difference,
 • against a *Scots* Landlord to an *English, viz.* That the *Scots* Land-
 • lord stays two Terms, and runs two Risques in his receiving the
 • Rent of his Land.

• " First he stays the Term agreed to receive of his Tenant, and
 • secondly he trusts the Merchant a second Term, to whom he sells
 • the Produce he receives of his Tenant; in the same sense he
 • runs two Hazards; one in the Solvency of the Tenant, and the
 • other of the Merchant; which makes a considerable Difference
 • in the Essential Value of the Rent, and consequently of the Pur-
 • chase of such an Estate; and tho' the Purchase or Real Va-
 • lue of Lands in *Scotland* may not come into this Dispute; yet
 • were an Estate let in *England* to pay the Rent in Kind, it would
 • sell for much less than an Estate of the same Value paid in Spe-
 • cie: Nor would it be Tax'd at near so much in our Common
 • Assessment.

• " IV. The Difference in letting Lands in *England*, which are
 • in many Places fin'd down, and the stated Rents reduc'd, makes
 • another Variation: Whereas in *Scotland* Lands are let without
 • Leases, or but on short Terms, and at a Rack-Rent; any Man
 • that knows what belongs to Letting or Taking Lands in *Eng-*
 • land cannot be ignorant —, That the Landlord, letting a
 • long Lease to the Tenant, confining him to such and such Im-
 • provement, makes frequent Considerations in the Rent, and so
 • the Land being Taxed by the Rent, is Taxed under the Value.

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" On the other hand, should this Article of 4 s. per l. be insisted on in the literal Sence, and the Scots come to consider how to avoid it, by Fining down Rents and other Advantageous Methods, which they may easily find out, they might soon evade the Act, and pay little or nothing; and this would be an Evil hard to discover; and if found out, almost impossible to cure.

" From these Reasons it was plain, a Numerical or Arithmetical Equality could not be the Foundation of those Debates—; But as it was very well Stiled, it behoved to be a Geometrical Equality, founded on a Scale of Proportions, and that Scale formed upon due Considerations, not of real Value only, but of Circumstances and Prospects of either Kingdom.

" A second Calculate was then proposed from the Proportion which Scotland was oblig'd to pay under Oliver Cromwel, who having reduc'd Scotland by Arms, Incorporated them into one Body with this Nation; and by this Incorporation they were Rated at 6000 l. per Month in their Land Tax, when England was Rated at 70000 l. per Month.

" It also appears by the same Calculation, that Scotland paid this 6000 l. per Month, when England paid but 35000 l. per Month.

" Now to apply this Calculation to the present case, the Land Tax in England in time of War, at 4 s. per l. is suppos'd to raise two Millions sterling.

" The Scots paying 6000 to Englands 35000 per Month, which is something less than a sixth part; By the same Rule in two Millions per Annum, which the said Land Tax raises, they must be chargeable with 333333. 6. 8. per Annum, Land Tax.

" But this Arbitray difference which Oliver Cromwel and his Parliament made; as is observ'd, was, In consideration that England had, for Divers years past, been at almost all the Expence of War; Yet still, at the former Calculation, Scotland would in a four Shilling Aid, pay half that Sum, viz. 166666. 13. 4. per Annum.

" Now to examine the Rents of each Kingdom, the Annual Rents of Lands in Scotland, must by the first Calculation, amount to One Million, Six Hundred, Sixty Six Thousand, Six Hundred, Sixty Six Pound, Thirteen and Four Pence Sterling, per Annum, and by the last Calculation just half the Money.

" Both which Sums it was alleaged are far wide of an Equality, and far beyond what Scotland is able to raise.

" I am the larger on this Head, that Posterity may see the Reasons why these Calculations were made, and have the Arguments preserved for their use, if it be Disputed hereafter, why Scotland should pay so small a Proportion in the Land Taxes or four Shilling Aid, and which may help others to Defend Scotland against future Attempts, to enlarge their Expences.

" The next thing was to Examine what was, or what might be counted a due Equality; and here it will be necessary to enter

• a little into the short History of Taxes in Scotland, since the Restoration; which, bringing it down to the present Time, may serve as a Rule to this Matter.

• “Anciently the levying Money upon Land in Scotland, was called in General *the Taxation*; and the manner of levying it was by Rules altogether obsolete and now grown out of Use, as the Custom of Tenths, Fifteenths, Subsidies, &c. are in England.

• “The now Method of Taxing Land has its beginning, as to Practice, in the Assessment of 6000 l. per Month; settled in Scotland in Cromwel’s time, when an Union was actually form’d and settled between the Nations; of which, however deficient in itself, without doubt this may be said, that it had in it the Essential Parts, and might be modell’d into a compleat Coalition.

• “This is the Tax they now go by in Scotland, and is called there THE CESS, by which is understood a *Month’s Assessment*; ’tis raised upon Land by a Method peculiarly exact, and I have never heard any one complain of the Inequality.

• “’Tis raised, as is before noted, without any Charge, Deduction, or Defalcation, and is paid *Nett* into the Treasury.

• “According as the Occasions of the Government require, this Tax is encreased; but then not the Sum per Month is encreased, but the number of Months are encreased, which by the help of time encreases the Sum.

• “The Original of the Demand was as before, and of the Method, but the Continuance of it was thus introduced;

• “In former times, the Kings of Scotland contented themselves with the ancient Demesnes, Crown-Lands, Customs, &c. and on extraordinary Cases *the Taxation*, as above, was their Supply, Excises of any sort were altogether unknown, till the Days of King Charles the Second.

• “King Charles the Second in the Year 1661, obtained of the Scots to give him a settled Sum of 40000 l. Sterling during his Life, in consideration whereof, he promised never to demand any Cess or Taxation, except in time of War, as by the Words of the Act as follows—

13 Act of the 1st. Parliament, Chas. 2:

The Estates of Parliament taking to their Consideration the great Happiness this Kingdom hath enjoy’d, &c. and that the Kings Majesty hath been graciously pleas’d, notwithstanding all the provocations given to himself and his Royal Father, to evidence his Affection and Favour to this his antient Kingdom, &c. do with all humble Duty acknowledge his Majesties unparalleled Grace and Goodness, &c.

And seeing for the due Establishment of his Majesties Authority, and settling and securing the Peace of the Kingdom, his Majesty may have occasion to raise and keep some Forces within this Kingdom, and his Majesty has signified his Resolution, not to raise any more Cess. Therefore and from the due Sense of their Duty and Obligations, the Estates of Parliament do in the Name of the Kingdom make an humble and cheerful Offer to his Majesty, of a yearly Annuity of 40000 l. Sterl. during all the Days of his Majesties Life time. This

"This 40000 *l.* was raised by 8000 *l.* laid as Impest on Foreign Importations, and 32000 *l.* per Annum, on Malt, brewed into Liquor for Sale; but as this was a Novelty and uncertain in its Produce, a Cess was granted to make good the Deficiency, which Deficiency generally amounted to a Months Cess more or less, and other Cess than this Scotland knew none till the Convention 1666, which being a Time of War, a Cess was imposed, but not exceeding 3 Months.

"Here it may be observ'd, That in these times the Excises and Customs of Scotland could not raise 40000 *l.* per Annum, put together; which I note for the other Uses which I shall make of it hereafter: but to go on with my History.

"From this time to the Year 1678, Scotland had no more Cess, nor was at any Charge more than to make good the Deficiency of the 40000 *l.* mentioned before; except 3 Months Cess during the Dutch War, expiring at Candlemas, 1674:

"About this time, the Nation being very unhappily divided into Parties, had the Misfortune, not only to have a Religious Division, but a Court Division also; and People strove at any Price to oblige the Sovereign in giving up their Priviledges and Liberties to be trampled on by Arbitrary Designs. The first Fruits of this Courting the Prince, appear'd in that they brought a Tax 5 Months Cess upon the Country to be continued for 5 Years; which, tho' in time of Peace, was back'd with a specious Pretence of the Dis-affection of the Phanaticks, or to express it in a more modern Phrase, *The Danger of the Church*, as follows:

Act of convention, 10 July, 1678.

The Convention of Estates of the Kingdom of Scotland by his Majesties Authority and Command, at this time assembled, considering the great Happiness, &c. and as all Kings and Estates do at present carefully secure themselves and their People, by providing against all such foreign Invasions and intestine Commotions, as may make them a Prey to their Enemies; so it is not fit that this Kingdom should only, of all others, remain without Defence, in a time when these Dangerous Field Conventicles, declar'd by Law Rendezvous of Rebellion, do still grow in their Numbers and Insolencies, against all which the present Forces cannot be in reason thought a suitable Security; in Recognition thereof, &c. The Convention of Estates, &c. do humbly beseech his Majesty to accept their cheerful, and humble Tender of a new Supply.

"This was the first Infraction upon the Scots, to cover which Duke Lauderdale then Commissioner, feign'd a new Word, and put upon it the Gloze of a VOLUNTAR OFFER, or free Gift.

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" When this had been impos'd for about 3 years, and 2 years before it expir'd; King James then Duke of York, and high Commissioner in Scotland, Anno 1681, obtain'd the Continuati-
on of this 3 Months Cess for 3 Years, which was to the Year 1684. After this when he came to the Crown, He advanc'd it by his meer absolute Command to 8 Months Cess, and had it confirmed to him for his Life. *Vide the Act, as follows.*

12th Act of Parliament, Jan. 7.

The Estates of Parliament calling to mind the many great Blessings they have, and do enjoy under the Protection of the Royal Government, and especially by the many Deliverances from the rebellious Insurrections and Designs of Fanatical Traytors; from whom they could expect no less than Confusion in Religion, Oppression, &c. And that the Terror of his Majesties Forces hath been very instrumental for procuring our present Security; but considering, that not only these Enemies continue their inveterate Hatred against King and People; but that their frequent Disappointments have heightn'd their Malice to Despair, and that the present Forces may be too few to undergoe all the Fatigue which his Majesties Service, &c. may require; and to demonstrate to all seditious men, that this Nation is resolved to bestow all they have in the Kings Service, rather than to bear the least of their Insults; Do therefore, for themselves and the Nation represented by them, make a hearty and duriful Offer, &c. Over and above the 3 Months already impos'd, &c. Whereby there will be 4 Months Cess payable at each Term hereafter, and as a farther Evidence of their entire Affection, &c. they humbly and heartily offer a Continuation of the said 4 Months Cess, TERMLY, during all the Terms of his Majesties Life time, which God Almighty long preserve.

" In this Taxation or Cess the several Court Parties struggled, who should give their Country away fastest, the Bishops got in to every part of the Civil Jurisdiction; the Severities against the People first drove them into Desparations and Rebellions, and then such Advantages were taken, and such use made of the said Insurrections to ruine others, that the poor People were brought to the Brink of general Ruine: the Nation being brought to that pass, that a Man might be fin'd or forfeited; that is, his Estate taken from him, for his Wives giving a Half-penny at his Door to a common Beggar, on pretence it was relieving a Rebel. Thus poor Scotland was bought and sold, and the Example is useful for our Observation a great many ways; for thus shall every Nation be used, that is divided into contending Parties, and expos'd to an encroaching Government.

" But that I may not have said all this foreign to the present Purpose, it is very observable, and this is the Reason of the Quotation, that this will make one PERIOD for Taxation, viz. the highest

highest that an Arbitrary Prince back'd with a Mercenary Nobility, and a Governing Clergy, even in the greatest Extream of Absolute Tyranny, ever impos'd upon this Nation, which at that time 'tis evident they desir'd to squeeze, and ear'd not if they entirely ruin'd.

"Come we now to the Revolution, which these Exorbitances had no little Influence upon; the first thing Transacted upon the Meeting of the Estates or Convention of Scotland, was to break these Chains; re-assume the Power of raising Taxes by Parliament, and make themselves Judges both of the Occasion, and of the Sum.

"However as in England since the Revolution, greater Occasions have call'd for immense Sums to carry on the War; and such Taxes have been rais'd as were never heard of before; so in Scotland the Parliament have agreed to such Taxes, as, the aforesaid Time of Tyranny excepted, were never known in Scotland before.

"Yet, in the carrying on this War, six or seven Months Cess, has, one time with another, been thought Scotland's full Proportion, and the late KING, excepting one or two Years on extraordinary Occasions, always contented himself with it, and this at the same time that England rais'd 4 s. per l. upon their Land; Nor did Queen Anne ever demand more of her Subjects in Scotland, tho' the Weight of the War was as great as ever, and this was called another PERIOD of Taxation.

"Now, what was mean't by a Geometrical Scale, or Equality in Taxes, is drawn from these Proportions.

"That, since exact Valuation of Rents cannot be made on both sides, and least of all in England, it seems as good a way to come at this Equality, as any could be propos'd.

"That the highest Period of Taxes that ever Scotland bore since the Restoration, may be taken on one hand, and set against the highest Period of Taxes that ever England bore, that is, of a Land Tax on both sides; and put these together as the Scale of Equality.

"Thus suppose the Scots 8 Months Cess, tho' that was the height of Tyrannick Imposition, and tho' 'tis allowed the Scots are manifestly impoverish'd, and less able to bear it than they were; yet say, it be full 8 Months Cess, and set this against the English 4 s. per l. it could not be found, that any more just Calculation could be made; And the Proportion seem'd so clear, that every side appeared content with it.

"Thus when ever a Tax upon Land for 4 s. per Pound is granted, the Scots pay 8 Months Cess, if of 2 s. per Pound in England, 4 Months Cess; and so in Proportion.

"There were other Calculations offer'd about that time, but none seem'd so rationally and so exactly stated to the Circumstances of the Nations, or built on so just a Foundation; and therefore it met with less Difficulty than was expected, as will appear hereafter.

Saturday, the 18th. May 1706.

THE Lord Keeper, in the Name of the Lords Commissioners for *England*, delivered to the Board their Answer to the Paper delivered by the Lords Commissioners for *Scotland* the 17th Instant, which was Read.

THE Lords Commissioners for *Scotland* on the 9th instant, proposed a *Quota* of a Land Tax, and agreed to the same Regulations of Trade, and to an Equality of Customs, and on the 13th agreed to an Equality of Excises on all Exciseable Liquors, but, at the same time, their Lordships propos'd an Exemption from all other Burthens and Excises, for a competent time.

THE Lords Commissioners for *England* did the same Day return Answer, That their Lordships would enter into the Consideration of the particular Excises and Burthens, Point by Point, and on the 15th Instant did return their Answer distinctly, to the particular Excises and Burthens payable by virtue of several Acts of Parliament in *England*, in such manner, as their Lordships had reason to hope, would have been to the entire Satisfaction of the Lords Commissioners for *Scotland*; But the Lords Commissioners for *England* finding, by the Paper delivered in on the 17th Instant by the Lords Commissioners for *Scotland*, that tho' they do take notice of the said Answer of the 15th, yet their Lordships have thought fit to renew their Proposal of a general Exemption for some competent time, from all other Excises and Burthens, besides these their Lordships had already consented to: The Lords Commissioners for *England* did understand that Proposal of the 13th, to extend only to such other Burthens and Excises, as are now subsisting in *England*, to every one of which their Lordships think they have given a full and distinct Answer; and if it shall appear, that any Particulars have been omitted in that Answer, the Lords Commissioners for *England*, will enter into the Consideration of them, and return their Opinion thereupon; But if the Lords Commissioners for *Scotland* would extend their Proposal of the 13th to an Exemption from all Burthens and Excises, which the Parliament of *Great-Britain* may hereafter find necessary to Impose on the United Kingdom; The Lords Commissioners for *England* are of Opinion, that it cannot be suppos'd, the Parliament of *Great-Britain* will ever lay any sort of Burthens upon the United Kingdom, but what they shall find of necessity at that time, for the Preservation and Good of the whole, and with due Regard to the Circumstances and Abilities of every part of the United Kingdom; and to allow of any Supposition to the contrary, would be to form and set up an unanswerable Argument against the Union it self; Therefore the Lords Commissioners for *England* do Desire, That the Lords Commissioners for *Scotland* would take into their Consideration, the several Particulars in that Paper delivered to them by the Lords Commissioners for *England* on the 15th Instant, and return such Answer to them as their Lordships shall think fit.

Adjourn'd to *Tuesday* the 21st Instant, 5 in the Evening.

Tuesday

Tuesday the 21st May 1706.

THE Lord Chancellor, in Name of the Lords Commissioners for Scotland, deliver'd to the Board their Lordships Answer to the Papers deliver'd by the Lords Commissioners for England the 15th and 18th Instant, which was Read.

THE Lords Commissioners for Scotland have taken into their Consideration, the Papers delivered by the Lords Commissioners for England on the 15th and 18th Instant, and do understand that the First contains all the several kind of Burthens and Excises now in use in England, besides those to which the Lords Commissioners for Scotland have already agreed.

And as to the several particulars contain'd in the said Papers.

1. As to Duties on Stamp Paper, Vellom and Parchment, being the Exemption from that Imposition can have no Influence on Trade or Manufacturies, and that the said Duty does affect the Securities of the Subjects Estates, adding likewise a new Condition, which being omitted may make their Rights and Titles void: And further considering, that the said Duty will be uneasy to the People, chargeable in collecting, and of small value; The Lords Commissioners for Scotland do propose, That the Kingdom of Scotland be wholly exempted from the same, or at least that the Exemption from the said Duties, agreed to by the Lords Commissioners for England in the said Paper of the 15th Instant, be prolong'd beyond the Year 1710, to a certain Period, as to that Moety which is imposed for Perpetuity.

2. As to the other particular Duties which expire in the Year 1710 or sooner, from which the Lords Commissioners for England have agreed, that the Kingdom of Scotland shall be exempted: The Lords Commissioners for Scotland do understand, that it was the Meaning of the Lords Commissioners for England, to extend that Exemption to the Duty laid on Cynders.

3. As to the Duty on Salt; The Lords Commissioners for England having consented, that the Kingdom of Scotland shall, for a competent time after the Union, remain Exempted from the payment of that Duty, for all Salt spent in kind, or used in Provisions, within the Kingdom of Scotland, provided that the Lords Commissioners for Scotland should propose effectual Methods for securing, that the like Duties as are now payable in England, be Paid and Collected in the Kingdom of Scotland after the Union, as to all Salt Exported from that Kingdom, either in Kind or Provisions: The Lords Commissioners for Scotland have herewith given in a Scheme of such Regulations as have occur'd to them, for securing, that the Duty propos'd be collected in Scotland, as to all Salt Exported from that Kingdom in Kind or Provisions, and are willing to agree to what other Methods shall be propos'd on that behalf by the Lords Commissioners for England; And their Lordships are ready to enter with the Lords Commissioners for England, on the Consideration of the time to which the said Exemption shall be limited; And the

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Lords Commissioners for *Scotland* doubt not, but as the Lords Commissioners for *England* have agreed to the Exemption propos'd from all Burthens or Excises now in use, but those consented to by the Lords Commissioners for *Scotland*, That the Lords Commissioners for *England* will also agree, That the Kingdom of *Scotland* remain Exempted from any Duties (except these agreed to) which may be laid on by the Parliament of *England* before the Union.

AND as to the General Exemption formerly propos'd on the part of *Scotland*, from all other Burthens than those consented to for a competent time. The Lords Commissioners for *Scotland* considering what the Lords Commissioners for *England* have observ'd, that it cannot be suppos'd the Parliament of *Great-Britain* will ever lay any sort of Burthens upon the United Kingdom, but what they shall find of necessity at that time, for the Preservation and Good of the whole, and with due Regard to the Circumstances and Abilities of every part of the United Kingdom. Therefore the Lords Commissioners for *Scotland*, to avoid the Difficulty that may arise in that Matter, do agree, not to insist further at present, but to leave the Continuation of the said Exemption to be determin'd by the Parliament of *Great-Britain*.

AND the Lords Commissioners for *Scotland* having, by this and their former Papers, Answer'd the Proposal made by the Lords Commissioners for *England* on the 29th April, concerning the Equality of Taxes, The Lords Commissioners for *Scotland* take this occasion to put the Lords Commissioners for *England* in mind of a Proposal given in to their Lordships the 9th Instant, concerning the Quota of Land-Tax for the Kingdom of *Scotland*, not doubting, but that the Lords Commissioners for *England* will agree to the same.

THE Lord Chancellor did also, in Name of the Lords Commissioners for *Scotland*, deliver to the Board the following Proposal, which was read.

PROPOSAL for the effectual preventing the Exportation of *Scotts* Salt to *England*, or the Plantations, without paying the same Excises, with which *English* Salt is charg'd, during the Exemption allowed to *Scotland* from the said Duty.

1. THAT no Salt be Transported from *Scotland* to *England* by Land, under the Penalty of Forfeiting the Salt and the Horses used in Transporting it, and pay ten Shillings for every Bushel of Salt so Transported, for which the Carrier, as well as the Owner, shall be lyable Conjunctly and Severally, and the Carriers to be Imprison'd until the said Penalty be paid.

2. That all Salt Water-born be enter'd at a Custom Office, and that before Shipping there be a Report made, expressing to what Port the Ship or Vessel is bound, and if bound to any Port within *Scotland*, there shall be sufficient Security given for the Duty payable in six Moneths, with this condition, that in case a Certificate be returned from the Collector or Collectors where the Ship or Vessel is bound, that the same Quantity was truly and without Fraud found Loaded at the saids Port or Ports, reasonable Allowance being made for

for Waste since the Embarkation; Then and in that Case the Bond for the Duty to be come void: And in case the Ship or Vessel be bound for *England* or the Plantations, The Excise or Duty chargeable on the like Salt in *England* shall be presently paid in Money, and a Tranfire or Certificate Subscribed by the Collector, expressing the quantity of Salt Enter'd and the Duty paid; and if any Ship or Vessel Load Salt on Board, and Export the same without duly Reporting, Enttring and carrying the said Tranfire or Certificate along with him, to be produced at the Port of Discharge; The Ship or Vessel unloading shall be confiscated, and the Master Imprison'd for three Months, and in case of any Fraud or Connivance in the Collector or other Officers of the Custom-house, the said Collector or other Officer shall be lyable to pay a years Sallary, and be deprived of his Office.

3. As to Provisions; All Fishes and Flesh Barrel'd for Exportation, are appointed to be Packt and Cured with Forreign Salt without any Mixture of *Scotch* or *English* Salt, by the Law of *Scotland*, which Forreign Salt falls under the Regulation of Forreign Trade, and there are no other valuable Provisions that can be Imported from *Scotland*; and the Lords Commissioners for *Scotland* are willing to agree to any further Proposal that shall be made for preventing Fraud, in Importing *Scotch* Salt or salted Provisions.

Her Majesty came to the Meeting, and being seated in her Chair, spoke to the Lords Commissioners as followeth.

My Lords,

I Am so much concerned for the UNION of the two Kingdoms, That I could not satisfie my self without coming before I went out of Town, to see what Progress you had made in the Treaty, and to recommend very earnestly to you the bringing it to a happy Conclusion, with as much dispatch as the nature of it will admit, not doubting of the General satisfaction which my Subjects of both Kingdoms will receive in finding you overcome all difficulties to attain so great and publick a Good.

THE Lord Keeper desired to know of Her Majesty, if she would be pleas'd to hear the Proposals made on either side, and the Resolutions hitherto taken thereupon, read by the respective Secretaries; which her Majesty was pleased to allow of, and the same were Read accordingly.

After Reading whereof, Her Majesty went away, and the Lords Commissioners Adjourned to *Thursday* the 23d Instant, 10 a Clock in the Morning.

OBSERVATION VI.

"And thus after all the Difficulties which were thought Unsurmountable by some, and endeavoured to be made so by others, the Affair of the Land Tax was settled; The next Article was the Equality

Equality of Excises, Customs and other appropriated Funds, and these had sundry Difficulties.

Some were grievous to *Scotland* with respect to their Magnitude only, in which case tho' *Scotland* was to be supposed to pay Duties under the same Denominations, yet the *Scots* Commissioners pretended to insist upon it, that they were not able to pay the same Sums with *England*, but that it must be reduced to a proportioned Equality as in the Land Tax, and this respected the Excise and several Branches of the Customs.

Others were grievous to *Scotland* in the kind, and were thought Impracticable, at least for a time, the Trade, Poverty, and other Circumstances of *Scotland* not admitting them, these were the Tax upon Malt, and the Excise, or Duty on Salt.

Others again were such as were altogether Impracticable, as having none of the Materials to work on in *Scotland*, or such as could not rationally be expected from them, such as the Taxes upon Coals, Culm, Hawkers and Pedlars, Hackney-Coach-Men, Births, Burials, and Marriages, Glass-Windows, Stamp-Paper, and the like.

In the beginning of the Debate on these Heads, the Equality of Customs, Export and Import, with the same Restrictions and Regulations of Trade was Agreed to by the *Scots* Commissioners; for the necessity of Commerce made it plain, there could be no adjusting Trade without that. An open free uninterrupted Commerce by Land being the Consequence of an Union, they would otherwise ruine the *English* Trade, by supplying the *English* Markets with all sorts of Imported Goods, cheaper than the *English* Merchants could do; and this would be a most destructive Article in Trade, especially in fine Goods. For Example, in Linens from *Hamborough* or *Holland*, or in Tobacco, Coffee, Tea, Chacolate, and such other things as were then under large Duty and small Carriage; these would all be spread over *England* by the *Scots*, and make unspeakable Confusions in Trade.

It was the sooner concluded therefore, that the Customs, Prohibitions, and Charges of all foreign Importations, must be numerically and literally the same in both Nations. But as the *English* Customs were already Impropriated to pay the *English* Debts, and the *Scots* had before proposed, that neither Kingdom be burthened with the Debts of the other Contracted before the Union; this Equality was found very difficult; and next to Impracticable, and this brought on the affair of an Equivalent; of which hereafter.

This now run thro' all the Heads of Taxes, for there remained no Question, but that an Equivalent was a full Compensation for any Difficulty proposed; and yet the settling an Equivalent here seem'd no Satisfaction. It was alleged an Equivalent was a National Satisfaction indeed, but not a personal; that it could not relieve the particular People it Oppressed, no, nor make good the Damage of the particular Trade it would injure; and therefore

therefore the *Scots* Commissioners strove hard to avoid the Taxes wholly, rather than to come into them tho' with an Equivalent—, but it was not to be done; there could be no other Method that could make both sides equally Easy.

“After this had therefore been long Discours'd, the *Scots* Commissioners came in to the Article of Equality of Excises on Liquors, & the Customs on Exported and Imported Goods, the Debate of what that Equality was did not ly before them, but seem'd referr'd on both sides to the respective Parliaments, and there we shall meet with it again at large.

“The Customs & Excises on Liquors being thus settled, the *Scots* Commissioners Excepted against all other Excises & Burthens, and insisted upon it as a Thing *Scotland* was not then in a Condition to come into, at least for the present, as you see it expressed in the Minuts of May 13. And it is observable the *Scots* Commissioners made this Proposal with a great deal of Candor and Regard to the *English*, as appears by their obviating the Objection which they knew would be made of the Carrying Salt and Malt into *England*; for it was the particular Duties on Salt and Malt which they had an Eye to in this Proposal, in which they desired Exemption for so much only as should be consumed in *Scotland*.

“Upon this occasion the Committee was appointed to Examine and State the Nature of the Equivalent, and on which particular Articles it was to be allowed; And as this was doing, the Commissioners in their Meetings went upon the particular Points of Excises, or Taxes which were to be objected against.

“The Stamp Paper, the Births, Burials, Windows, &c. were without much Difficulty conceded to the *Scots*; for as the Circumstances of those Duties made them improper, so the Stamp Duties could not have been extended to *Scotland*, the Methods and Customs of which would have made it Impracticable in some Cases, and Intolerable in others.

“The Duties on Coals, Culm, and Cinders, also occasioned very small Debates, the *Scots* being no otherwise Exempted from those Duties, than a great part of *England* is, who pay no Duty for all their River-born Coals; and the Quantity of Coals carried by Sea in *Scotland*, is so very small as not to deserve any notice; Howbeit all the Coal Exported from *Scotland*, or *Scots* Coal Expended in *England*, pays as in *England*.

“The Births and Burial Act expired, and having been grievous in *England*, it was not probable it should be Renewed.

“The Hakney-Coach-Mens Act could not concern *Scotland*, there being so few Hakney-Coaches in *Edinburgh*, as not to make it worth notice.

“The Malt and Salt Tax occasioned the greatest Debate, the Circumstances of *Scotland* were argued, tho' with great Modesty and Decency, on either side; and the *English* Commissioners were soon made sensible, That, in the present Circumstances of *Scotland*, those Duties could not be born there.

“ And indeed they would have been intolerable to the Poor, and not only as to the Magnitude, but as the manner of Taxing them had been particularly Oppressive to the *Scots* in their Trade.

“ 1. Because they are Exorbitant in their Rate, being Charg'd not upon the Value, but upon the Bulk of the Commodity; and the Goods bearing so different a Value in *Scotland* and in *England*, to put the Duty equal, would be to Tax the *Scots* in three times the Sum they are Tax'd at in *England*.

“ For Example, the Duty upon Salt is charg'd by Weight in general, and this being Calculated in *Scotland*, would amount to 16 s. 4 d. Sterling, upon 3 s. value, and in *England* to but 16 s. 4 d. Sterling, upon 10 s. 6 d. Value, or thereabout; let any Man state the Proportion, here they will easily allow the Tax to be intolerable to the *Scots*; since by the same Proportion on the *English* ought to pay 2 l. 17 s. 4 d. for the same quantity of Salt, or the *Scots* ought to pay but 4 s. 8 d. for that which by this Tax is rated at 16 s. 4 d. and the like, tho not in so great a Difference, for the Malt.

“ 2. The Weight of the Salt Tax lyes especially on the Poor, who in *Scotland* live very much on Salt Meats, and whose differing Condition from the *English* does not permit, nor cannot bear being Tax'd at all, much less equal to the *English*.

“ These Arguments brought the *English* Commissioners to agree to an Exemption for a time, the *Scots* Commissioners insisted upon an Exemption to perpetuity, but the Answer of the *English* Commissioners stated in the Minuts of the 13th May is very clear, and obliged the *Scots* Commissioners to Acquiesce.

“ For it could not be thought reasonable to tie up the Hands of the United Kingdom for ever, not to lay on such Duties or Taxes as the Circumstances of Trade and of the Nation, might make reasonable.

“ The Treators on both sides therefore Acquiesced in the Exemption from the other several Duties during the respective Terms they were given for; leaving the Consideration of further Exemptions to the *British* Parliament, what Alteration this part received, and upon what Consideration in the Parliament ensuing in *Scotland*, shall appear in its place —.

“ There was an Objection offered here about what Duties might be laid on by the very next Parliament of *England*, which being to sit almost at the same time with the Parliament in *Scotland*, and consequently before the Union could Commence, might alter the state of the present Duties; And so the Conclusions might be all to be made over again.

“ But this was after some Debate Regulated as per the Minuts, by obliging *Scotland* to raise her part of the Charge of the Year 1707, as usual, and *England* her part, each separately and a part, and the several Duties and Funds mentioned, were to remain just as they stood at the time of the Treaty.

“ This,

"This, and the *Quota* of Land-Tax being brought in together, was readily Agreed to on both sides.

"And thus this great Difficulty, which was thought the most dangerous in the whole Treaty, was brought into a very narrow Compass; For the Business was now, only to state the matter of the Equivalent, what it should be, and how to be disposed.

"What it should be, admitted no long Debate; For, as it was a payment of Money, nothing but Money could be an Equivalent to it.

"How much it was to be, depended upon Matter of Fact, and was reserv'd to exact Calculation from the Foot of the Customs and Excise.

"As to the manner how it should be disposed, the Commissioners did not adjust it at all, save in Generals, of which hereafter in its Course.

"It has been objected indeed, as an Omission in the Commissioners, That they did not adjust the Application of the Equivalent in *Scotland*; But their Reasons were, 1. Because they had a Respect to the Parliament of *Scotland* who were to come after them, and who perhaps might enter farther into that part, and indeed might claim a Right exclusive of all others to dispose of it.

"2. They were not willing to enter upon a thing, in which the Determination of Properties might be entangled, conceiving it did not ly before them to conclude private Interests, or exclude any, as they might have done, who had Reason to claim upon old Debts, some in King *James's* Time, and some in King *Charles's* Time, and the like.

"3. It was thought, this might raise Objections against the Union in People, who, being byass'd by their Interest, would oppose the General Interest on their own particular Accounts.

"It was now that the Union appear'd hopeful, and People began to be surprized at the Success; The Queen Her self, pleas'd with the Prospect, came to the Meeting, and hearing the Minuts Read, Expressed an Extraordinary Satisfaction in the Steps taken by the Commissioners, and the Hopes conceived of bringing this Great Matter to a Happy Conclusion.

Thursday the 23d May 1706.

The Lord Keeper, in Name of the Lords Commissioners for *England*, deliver'd to the Board the following Answer to the Paper delivered by the Lords Commissioners for *Scotland*, the 21st Instant, which was Read.

The Lords Commissioners for *England* having considered the Papers deliver'd by the Lords Commissioners for *Scotland*, on the 21st Instant, and being desirous to remove all Difficulties in this Treaty, return this Answer.

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"That

That whereas the Lords Commissioners for *England* have already consented, That the Kingdom of *Scotland* be exempted from the whole Duty on stamp Paper, Vellom and Parchment till the 1st of *August* 1710, at which time one part thereof expires; The Lords Commissioners for *England* do now consent, That the Kingdom of *Scotland* shall not be charged with the other part of that Duty during the continuance of that Duty by any Act now in Force.

And do Agree, It was and is the Intent of the Lords Commissioners for *England*, That the Kingdom of *Scotland* be exempted from the payment of the Duty laid on Cynders, in such manner as the Lords Commissioners for *England* have before agreed, That the Kingdom of *Scotland* be exempted from the payment of the Duty on Coal and Culm.

And as to the Scheme proposed by the Lords Commissioners for *Scotland*, for securing, that the Duty on Salt now payable in *England*, be collected in *Scotland* after the Union, as to all Salt exported from that Kingdom in Kind, or Provisions; The Lords Commissioners for *England* have thought it necessary to receive some Information concerning that Matter, from the Officers principally concern'd in the Management of that Duty; and until the Lords Commissioners for *England* can be satisfyed concerning the Sufficiency of these or other Methods for the end propos'd, They conceive they cannot properly enter with the Lords Commissioners for *Scotland* on the Consideration of the time, to which the Exemption of *Scotland* from that Duty shall be Limited.

And as to the Duty which may be laid on by the Parliament of *England*, before the Meeting of the Parliament of *Great-Britain*, for the Service of the Year 1707: The Lords Commissioners for *England* do agree, that the Kingdom of *Scotland* shall not be charged with those Duties, upon this Consideration, that the Parliament of *Scotland* do make the necessary Provision for the publick Charge and Service of the Year 1707 in that Kingdom, provided, that if the Parliament of *England* shall think fit to lay a further Charge on the Customs, or those Excises, of which the Lords Commissioners for *Scotland* have agreed to bear equal Burthens in such cases; The Lords Commissioners for *England* propose the Kingdom of *Scotland* be lyable to the same Customs and Excises, having an Equivalent to be settled by the Parliament of *Great-Britain*: And as to the Quota of a Land Tax for the Kingdom of *Scotland*, propos'd by the Lords Commissioners for *Scotland*, the Lords Commissioners for *England* do agree, that whenever the Summe of 1997763 *lib.* 8 *sh.* 4^{d.} shall be enacted by the Parliament of *Great-Britain* to be rais'd in *England* on Land, and other things usually charg'd in Acts of Parliament, for granting an Aid to the Crown by Land-Tax, the Kingdom of *Scotland* shall be charged by the same Act with the further Summe of *lib.* 48000 as the Quota of that Kingdom to such Tax, and so proportionably for any greater or lesser Summe rais'd on the Kingdom of *England* by any Tax upon Land, and other things usually charg'd together with the Land.

Adjourn'd to Friday the 24th Instant, 5 in the Evening.

OBSERVATION

OBSERVATION VII.

"It is very remarkable here, That, in the Exemptions from several Duties in this Treaty, there is a certain Limitation only to the Act then in Force, and to the Time for which these Duties were then laid on; From whence some afterward took Occasion against the Treators on the Scots side, as if they had thereby tacitly consented, that those Duties should be charged upon Scotland after the Expiration of the Time Limited.

"But they that please to Examine more Nicely into this Matter, will find it quite otherwise: The *English* Commissioners consenting to an Exemption from Taxes to the Scots, For, as far as the several Duties debated were laid, seem'd as much as could reasonably be expected they should agree to; since, to have gone farther, had been to abridge the United Parliament that was to follow, and tacitly to acknowledge what was but too frequently suggested, that they would be Partial to the *English*, and consequently might oppress the Scots; This was the true Meaning of that part of the Answer the *English* Commissioners gave to the Scots Paper, May 18, viz. But if the Lords Commissioners for Scotland would extend their Proposal of the 12th to an Exemption from all Burthens and Excises, which the Parliament of Great-Britain may hereafter find necessary to Impose on the United Kingdom; The Lords Commissioners for England are of Opinion, That it cannot be suppos'd, the Parliament of Great-Britain will ever lay any sort of Burthens upon the United Kingdom, but what they shall find of necessity at that time, for the Preservation and Good of the whole, and with due Regard to the Circumstances and Abilities of every part of the United Kingdom, and to allow of any Supposition to the contrary, would be to form and set up an unanswerable Argument against the Union it self.

"This was very happily foreseen, and by this Method prevented; For nothing was more certain, than that this very Argument would be raised, and in the debating this Treaty in Scotland, in the Parliament there, it was one of the great Pleas, and thought to be an Unanswerable Argument against the Union, viz. That the Parliament of Great-Britain might and would, being byass'd by the Majority of Votes on the *English* side, lay Burthens on Scotland, without Regard to the Circumstances and Ability of that part of the United Kingdom; And it would indeed have been an Unanswerable Argument, if the Lords Commissioners had extended their Limitations of Taxes beyond the Expiration of the Acts which were then in being.

"Therefore they resolv'd to leave it indefinite, only with their Concessions, as Reasons for, and Precedents of future Abatements to Scotland; And this the Commissioners of Scotland found so reasonable, as that they could not indeed object against it,

‘ as to any Duties which the Parliament then in being in *England*, and which were at hand to sit, *viz.* in *October* next following, it was but just to ty them up, and the *English* Commissioners came readily into that; and thus they went on hand in hand, yielding to one another in every thing which might without Injury be granted, and which might in the least contribute to the great and main End of the Treaty *THE UNION*.

“ And now they having Clerks appointed to assist them in the Calculations of the Equivalent, which took up a great deal of Time, they were obliged to adjourn the Affair of Funds, Taxes, Proportion of Debts, &c. and go upon other Articles in the mean time.

Friday the 24th May 1706.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* are very sensible of the Care, which the Lords Commissioners for *England* have taken, to remove Difficulties in this Important Article, concerning common Taxes and Impositions; And their Lordships doubt not, that the Joynt Desires and Endeavours of the Lords Commissioners for both Kingdoms, will bring this Treaty to a good and speedy Conclusion in every Point.

And as to the Particulars contain'd in the Answer, given in by the Lords Commissioners for *England*; the 23d Instant; The Lords Commissioners for *Scotland* do accept the said Answer as satisfying, as to the Exemption of the Kingdom of *Scotland* from the Duties upon Stamp Paper, Vellom and Parchment, and upon Cynders, and as to the *Quota* of Land Tax for *Scotland*.

And as to the Article concerning the Salt, The Lords Commissioners for *Scotland* are very well satisfy'd, that the Lords Commissioners for *England* take what time they judge needful for Informing themselves, and preparing the most proper Methods, for securing what their Lordships propos'd; The Lords Commissioners for *Scotland* being very ready to concur on their part.

As to the Duties which may be laid on by the Parliament of *England*, before the Meeting of the Parliament of *Great-Britain*, The Lords Commissioners for *Scotland* do understand, that the said Answer is intended by the Lords Commissioners for *England*, as an Agreement to the Proposal made by the Lords Commissioners for *Scotland*, That that Kingdom might remain Exempted from all other Duties laid on by the Parliament of *England* before the Union, except these consented to; And the Lords Commissioners for *Scotland* do Agree, That all necessary Provision shall be made within the Kingdom of *Scotland*, for the Charge and Service of that Kingdom, during the time that shall Intervene before the Meeting of the Parliament of *Great-Britain*.

And

And whereas the Lords Commissioners for *England* do propose, That if the Parliament of *England* shall think fit to lay a further Charge on the Customs, or those Excises, of which the Lords Commissioners for *Scotland* have agreed to bear equal Burthens, in such cases the Kingdom of *Scotland* be lyable to the same Customs and Excises, having an Equivalent to be settled by the Parliament of *Great-Britain*, The Lords Commissioners for *Scotland* do consent in the Terms propos'd.

And seing the Adjusting of the Equivalent, and settling the Endurance of the Exemption from the Duty on Salt may require some time, the Lords Commissioners for *Scotland* are ready, either to proceed on these Matters, until they be fully Adjusted, or to enter on the consideration of the Constitution of the Parliament of *Great-Britain*; The Reservation of Laws and Judicatures, or any other remaining Head to be Treated on, as shall be Agreed by the Lords Commissioners for both Kingdoms, while in the mean time the Committee is preparing what lyes before them.

Adjourn'd to *Saturday* the 25th Instant, 6 in the Evening.

Saturday the 25th May 1706.

THE Lord Keeper, in Name of the Lords Commissioners for *England*, delivered to the Board, their Lordships Answer to the Paper delivered by the Lords Commissioners for *Scotland* the 24th Instant, which was Read.

ALL the Matters which have hitherto been under the consideration of the Commissioners for both Kingdoms, appearing by the Paper delivered by the Lords Commissioners for *Scotland*, the 24th Instant, to be adjusted, except only the Determination of the Equivalent, and the time for which the Exemption of *Scotland* from the Duty on Salt is to endure; both which things are put into a proper Method to be brought to a Conclusion; The Lords Commissioners for *England* are ready to receive any further Proposal from the Lords Commissioners for *Scotland*, in order to the bringing this Treaty to a speedy and happy Conclusion.

Adjourn'd to *Monday* the 27th Instant 6 in the Evening.

Monday the 27th May 1706.

THE Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, acquainted the Board, that their Lordships for *Scotland*, were preparing a Proposal concerning the Reservation of Laws and Judicatures in *Scotland* after the Union, which would be ready to offer to the Board at next Meeting.

Adjourn'd to *Wednesday* the 29th Instant, 6 in the Evening.

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Wednesday

Wednesday the 29th May, 1706.

The Lord Chancellor, in the Name of the Lords Commissioners for *Scotland* delivered to the Board the following Proposal, which was Read.

The Lords Commissioners for *Scotland* having already agreed to an Equality of Customs and Excise upon all Exciseable Liquors, and to the same Regulations of Trade thro-out the whole United Kingdom, as a consequence thereof; Their Lordships do now agree, That the Laws concerning Regulation of Trade, Customs and Excise upon all Exciseable Liquors be the same in *Scotland* after the Union, as in *England*.

But the Lords Commissioners for *Scotland* do propose, That all other Laws in Use within the Kingdom of *Scotland* do after the Union, and notwithstanding thereof, remain in the same Force as before, but alterable by the Parliament of *Great-Britain*, with this difference betwixt the Laws concerning publick Right, Policy and Government, and those which concern private Right; That the Laws which concern publick Right, Policy and Government may be made the same thro-out the whole United Kingdom; But that no alteration be made in the Laws which concern private Right, except for evident utility of the Subjects within that part of the United Kingdom now called *Scotland*. And as to the Judicatures within *Scotland*, The Lords Commissioners for *Scotland* do propose as followeth.

That the Court of Session or College of Justice do after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as 'tis now constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the Union; subject nevertheless, to such Regulations for the better Administration of Justice as shall be made by the Parliament of *Great-Britain*.

That the Court of Justiciary do also after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as 'tis now constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the Union; subject nevertheless, to such Regulations as shall be made by the Parliament of *Great-Britain*, and without prejudice of other Rights of Justiciary.

That all other Courts presently in Being within the Kingdom of *Scotland* do remain, but subject to Alterations by the Parliament of *Great-Britain*; And that all Inferior Courts within the said Limits do remain subordinat, as they now are to the Supreme Courts of Justice within the same, in all time coming.

That no Causes in the Kingdom of *Scotland* be Cognoscible by the Courts of Chancery, Queens Bench, Common Pleas, or any other Court in *Westminster Hall*, and that the said Courts or any others of the like Nature after the Union, shall have no Power to Cognosce, Review, or Alter the Acts or Sentences of the Judicatures within *Scotland*, or stop the Execution of the same.

That

That there be a Court of Exchequer in *Scotland* after the Union; for deciding Questions concerning the Revenues of Customs and Excises, having the same Power and Authority, as the Court of Exchequer has in *England*, and that the said Court of Exchequer in *Scotland* have Power of passing Signatures, Gifts, Tutories, and in other things, as the Court of Exchequer at present in *Scotland* hath; and that the Court of Exchequer that now is in *Scotland* do remain, until a new Court of Exchequer be settled by the Parliament of *Great-Britain* in that Kingdom after the Union.

That after the Union, The Queens Majesty and Her Royal Successors may continue a Privy Council in *Scotland*, for preserving of publick Order and Peace, until the Parliament of *Great-Britain* shall think fit to alter it, or Establish any other effectual Method for that end.

That all Heretable Offices and Jurisdictions, and Offices or Jurisdictions for Life be Reserv'd to the Owners thereof, as Right of Property, notwithstanding of this Treaty, in the same manner as they are now Injoy'd by the Law of *Scotland*.

That the Rights and Priviledges of the Royal Burroughs in *Scotland*, as they now are, do remain entire after the Union, and notwithstanding thereof.

Adjourn'd to Thursday the 30th Instant, 6. in the Evening.

OBSERVATION VIII.

"The Reserve of Judicatories in *Scotland* being now the Debate, it is needful only to Explain a few things for the Information of the Reader, as to the Nature of those Judicatories and Reserves.

"It was absolutely necessary to reserve the Laws, Courts of Justice, and Civil or Criminal Judicatories, because the respective Kingdoms being Govern'd by differing Customs, Rites, Laws, and Methods of Justice, it would have infinitely Embarrass'd the Treaty now, and the Kingdoms afterward to have made any Alteration: It would have perfectly put a stop to all publick Justice for a time, and all the Persons bred to the Law in that Kingdom who had changed their Laws, would have been rendred Unable to Practise or Discharge their Duty to their Clients, &c. and have been by consequence divested of their Livelyhoods; These Difficulties appearing so great, the *English* Commissioners came readily into it, only with a few Restrictions: As

1. That all Laws for the Regulating Trade, Customs and Excises, be the same in *Scotland* after the Union as in *England*; This was absolutely necessary to be done, *tho'* if they should extend the word, to all Laws for Regulation of Trade it might be run out to difficult Extremes, & occasion an unanswerable Dispute; but moderately speaking, it was absolutely necessary to prevent the confusion among Officers in Collecting the Revenue, stating and settling the

the Customs and Excises, which were now to be extended to both Countries.

2. Again, it was most necessary that their other Laws should be alterable by the Parliament of Great Britain, otherwise this had been to tie up the Hands of the future Constitution from making necessary Provision against whatever Inconveniencies might happen in the Government; And I mention this here, because in the tumultuary Clamours raised afterwards against the Treaty, and against the Treators, this was one of the great Quarrels, That they had given up the Laws and Constitution of Scotland, and had subjected them to the arbitrary Votes of a British Parliament, in which it was alledged, the Majority being so much English, the Scots could expect nothing but Disadvantage. But it is apparent, and was at the time of the Treaty considered, that the leaving the Laws of Scotland subject to Alteration by the British Parliament, signified no more than leaving room for the Parliament in Cases of Necessity, or indeed on all occasions, to make Laws for Scotland, as should appear needful for the publick Advantage, always reserving their general Form of Law and Proceedings of Justice, as before; And without this, Scotland must have been miserably left without a Legislature, and have had no opportunity to have helped her self in Cases contingent, or have obtained any more or other Laws for the Rectification of any of the common Abuses of her Government, which it seems these Objectors did not think it worth their while to consider.

"And that this alone was the meaning of this word, *Alterable by the Parliament of Great Britain*, and that it was understood so on both Hands, is evident from the very words of the Proposal of the Scots Commissioners, when they propose the Alternative between publick and private Right —, *With this difference betwixt the Laws concerning publick Right, Policy and Government, and those which concern privat Right; That the Laws which concern publick Right, Policy and Government may be made the same thro-out the whole United Kingdom; But that no Alteration be made in the Laws which concern privat Right, except for evident utility of the Subjects within that part of the United Kingdom now called Scotland.*

"The three next Articles do also still more evidently Confirm this, viz. *That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as 'tis now Constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the Union; Subject nevertheless, to such Regulations for the better Administration of Justice, as shall be made by the Parliament of Great-Britain.*

"That

"That the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as 'tis now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union; Subject nevertheless, to such Regulations as shall be made by the Parliament of Great-Britain, and without prejudice of other Rights of Justiciary.

"That all other Courts presently in Being within the Kingdom of Scotland do remain, but subject to Alterations by the Parliament of Great-Britain; And that all Inferior Courts within the said Limits do remain Subordinat, as they now are, to the Supreme Courts of Justice within the same, in all time coming.

"Now it was thought most Irrational to argue, That the Laws and Constitution of Justice in Scotland was in this Treaty, given up to the English; When as, by these Articles, the Courts of Justice, and the General Form of Administration, such as the Session, Justiciary, and all other Courts, were to remain in Force for ever, or in all time coming:

"And yet, as if this had not been enough to secure the Scots from this Fear, the Commissioners for Scotland Form the Negative, and in it enter on the Particulars, viz. That no Causes in the Kingdom of Scotland be Cognoscible by the Courts of Chancery, Queens Bench, Common Pleas, or any other Courts in Westminster Hall, and that the said Courts, or any other of the like Nature, after the Union, shall have no Power to Cognosce, Review, or Alter the Acts or Sentences of the Judicatures within Scotland, or stop the Execution of the same.

"The Privy Council indeed was left to the Queen to Dissolve or Continue, as Her Majesty might see Cause —, But that was by the Treaty subject to Parliamentary Determination, and how the Queen referr'd it to the Parliament, will appear in its Course.

"Nay the Treators were so tender of this General Invading the Particulars, That they took Care to Exempt Private Jurisdictions and Properties from the Power or Cognizance of Parliament, which is what is not done in England, and which, it has been thought even in Scotland too, had been better left to the Parliament in time, to have Dissolved, giving Satisfaction to the Parties concerned, I mean, such as Heretable Offices, Jurisdictions for Life, &c.

"All these Provisions were so exactly stated, and so forcible in themselves, and the Scots Commissioners had so shown both their Capacity in the Affairs of Scotland, and their Candor in respect to Union, in the Great Affair before them, That the English Commissioners made no Objection, but agreed to it, as they, the Scots Commissioners had brought it in, without any Amendment.

"And this Formed the 18, 19, 20, 21 Articles of the Union, which were so clearly digested, that they admitted little or no Debate afterwards in the Parliament of Scotland, where

all the rest past the strictest Scrutiny, and almost a Fiery Trial.

Thursday, the 30th May, 1706.

The Lord Keeper, in Name of the Lords Commissioners for *England*, delivered to the Board the following Answer to the Proposal made by the Lords Commissioners for *Scotland* the 29th Instant, which was read.

The Lords Commissioners for *England* having considered the several Proposals contain'd in the Paper delivered the 29th Instant, by the Lords Commissioners for *Scotland*, and being extremely desirous to bring this Treaty to a speedy and happy Conclusion, do agree to the same, Reserving still the Consideration of the Courts of Admiralty of *Scotland* to the further Progress of this Treaty.

Adjourn'd to Saturday the 1st June 1706, 6 in the Evening.

Saturday, the 1st Day of June 1706.

The Lord Keeper, in Name of the Lords Commissioners for *England*, acquainted the Board, That their Lordships for *England* were preparing some Proposals, which would be ready to offer to the Board at the next Meeting.

Adjourn'd to Wednesday the 3th Instant, 6 in the Evening.

Wednesday the 3th of June 1706.

The Lord Treasurer, in Name of the Lords Commissioners for *England*, deliver'd to the Board the following Answer to the Proposal offered by the Lords Commissioners for *Scotland* the 21st of May past, which was Read.

The Lords Commissioners for *England* having taken into Consideration the Proposals deliver'd in to them the 21st day of May last by the Lords Commissioners for *Scotland*, for the effectual preventing the Exportation of *Scots* Salt to *England* or the Plantations, without paying the same Excises with which *English* Salt is charged, during the Exemption allowed to *Scotland* from the said Duty, do give the following Answer to the several Proposals therein.

1. As to the First Article of the said Proposal, *viz.* That no Salt be Transported from *Scotland* to *England* by Land under the Penalty of Forfeiting the Salt, and the Horses used in Transporting it, and paying ten shillings for every Bushel of Salt so Transported, for which the Carriers, as well as the Owner shall be lyable conjunctly and severally, and the Carrier be Imprisoned until the said Penalty be paid.

The Lords Commissioners for *England* do agree to the same with the Alterations following, *viz.* That no Salt be Transported from *Scotland* to *England* by Land in any manner whatsoever, under the Penalty of Forfeiting the Salt, and the Cattle and Carriages made use

use of in Transporting it, and paying 20 shillings for every Bushel of such Salt, and proportionable for a greater or lesser Quantity, for which the Carrier, as well as the Owner shall be lyable conjunctly and severally, and the Persons carrying the same, to be Imprisoned by any one Justice of the Peace by the space of six Months, without Baill or Main-prize, and until the Penalty be paid.

2. As to the second Article relating to Salt Water-born, to be carried from Port to Port in *Scotland*, and Salt Exported from *Scotland* to *England* or the Plantations.

The Lords Commissioners for *England*, as to that part of it which relates to Salt Water-born to be carried from Port to Port in *Scotland*, do agree to the same.

And as to that part of the said Proposal which relates to Salt Exported from *Scotland* to *England* by Sea; The Lords Commissioners for *England* do Propose, That there shall be paid in *England*, for all Salt made in *Scotland*, and Imported from thence into *England*, the same Duty upon the Importation as shall be paid for Salt made in *England*, to be levied and secured in the same manner as the Duties on Forreign Salt, are to be levied and secured in *England*, and if any other Salt which is not made in *Scotland*, shall be Imported from thence into *England*, the same to be charg'd with the Duties on Forreign Salt Imported into *England* to be levied and secured in the same manner.

And as to the last part of the said Article relating to Salt Exported from *Scotland* to the Plantations.

The Lords Commissioners for *England* do not insist that any Duty ought to be paid for the same, or for Salt Exported from *Scotland* to any other Forreign Place whatsoever, in regard, that upon the Exportation of Salt from *England* to the Plantations, or any other Forreign Parts, the Duty before paid for the same, is to be Re-paid.

3. And as to that part of the last Article of the said Proposal, which relates to salted Fish Exported from *Scotland* into *England*.

The Lords Commissioners for *England* do propose, That for all such Fish, there shall be paid in *England* upon the Importation thereof, such Sums of Money as by the Law relating to the Duties upon Salt in *England* are allowed, and Re-paid to the Exporter thereof upon Exportation of the like Fish from *England* to Forreign Parts, in regard all Salt used in Fish Cured and Consum'd in *England*, is lyable to Duties of the same value, and in case the said Fish shall be Re-exported from *England*, the Duties paid for the same, upon Importation thereof, shall be Re-paid.

And as to all salted Fish Exported from *Scotland* to any other place; The Lords Commissioners for *England* do not insist that any Duty shall be paid in *Scotland* for the Salt used therein, in Regard upon the Exportation of such Fish from *England* to any Forreign Parts, the Exporter thereof hath an Allowance out of the Duties on Salt of so much Money as the Duty of the Salt used in Curing such Fish amounts to.

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And as to that part of the said Article which Relates to salted Flesh Exported from *Scotland*, in Regard all salted Flesh consum'd in *England* or made use of for Victualling of Ships there, or Exported from *England* to parts beyond the Seas, is Cured with Salt, for which the Duty on Salt is paid in *England*, and not Re-paid upon Exportation of any such Flesh from *England*, and there being so much Salt used in the Curing one Hundred Weight of Flesh (each Hundred Weight being computed at one Hundred and Twelve Pound weight) as the Duty thereof payable in *England*, amounts to Two shillings.

The Lords Commissioners for *England* do propose, That there be paid in *England*, upon the Importation of every such Hundred Weight of Flesh from *Scotland*, two shillings; And that, before such Flesh is so Exported from *Scotland*, an Entry be made at the Custom-House of the Port of Exportation in *Scotland*, of the Quantity of Flesh so to be Exported, and the Port in *England*, for which the same is bound, and Security given by Bond to Her Majesty, at the said Port of Exportation in *Scotland*, That the said Flesh shall be Landed at the Port in *England*, for which the same shall be so Enter'd, or at some other Port in *England*, the Danger of the Seas and Enemies excepted: Which Bond shall be delivered up, upon producing a Certificate from the Collectors, or Officers of the Customs of the Port of Importation in *England*, That such Flesh was Landed, and left at the said Port; And that the Duty of two shillings be paid in *Scotland*, for all salted Flesh made use of for Victualling of Ships there, or Exported from thence to any other parts besides *England*; And that no salted Flesh be brought into *England* from *Scotland* by Land, under the penalty of Forfeiting the same, or the Value thereof, and the Cattle and Carriages imploy'd in carrying thereof, and of the like Imprisonment as they have before propos'd, in case of Salt brought from *Scotland* to *England* by Land.

And if any Frauds shall hereafter appear, which are not sufficiently provided against by the foregoing Proposals; The Lords Commissioners for *England* do propose, the same shall be subject to such further Provisions, as shall be thought fit by the Parliament of *Great-Britain*.

And whereas the Lords Commissioners for *England* did, in their Paper delivered the 15 May last past, Consent, That the Kingdom of *Scotland* should, for a competent time, remain exempted from payment of the Duty on Salt, for all the Salt spent in Kind, or us'd in Provisions spent within that Kingdom: The Lords Commissioners for *England* do now propose, That the Kingdom of *Scotland* shall remain exempt from payment of that Duty for all Salt spent in Kind, or used in Provisions within the said Kingdom, for the Term of seven Years after the Union, upon the Lords Commissioners for *Scotland*s agreeing to the Proposals above-mentioned.

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The Lord Treasurer, in Name of the Lords Commissioners for *England*, also delivered to the Board the following Proposal, which was Read.

That all Admiralty Jurisdiction be under the Lord High Admiral of *Great-Britain*, or Commissioners for the Admiralty of *Great-Britain* for the time being; And that Appeals from the High Court of Admiralty of *Great-Britain* be to the Queen, in the same manner as is now settled in *England*.

Adjourn'd to Friday the 7th Instant, 6 in the Evening.

Friday the 7th June 1706.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* do agree to the Proposal contain'd in the Answer delivered by the Lords Commissioners for *England* the 5 Instant, concerning the effectual preventing the Exportation of *Scots Salt* from *Scotland* to *England*, without paying the same Excises with which the *English Salt* is charg'd, during the Exemption allowed to *Scotland* from the said Duty, with the following Alterations.

1. As to that part of the second Article, viz. That if any Salt which is not made in *Scotland* shall be Imported to *England* from thence, the same to be charg'd with the Duties of Forreign Salt Imported into *England*, to be levied and secured in the same manner: The Lords Commissioners for *Scotland* do understand, That it is not the Meaning of the Lords Commissioners for *England*, by the said Proposal, to lay a double Duty on Forreign Salt, Exported from *Scotland* to *England*, once to be exacted at Importation of the said Salt into *Scotland*, and the like Duty at the Importation into *England* from *Scotland*, but that the Forreign Salt Imported into *Scotland*, be charg'd at the Importation there, with the same Duties after the UNION, as the like Salt is charg'd with, being Imported into *England*, to be levied and secured in the same manner; And for further security in that case, The Lords Commissioners for *Scotland* do propose, that Certificates be sent with Forreign Salt, Exported from *Scotland* into *England*, from the Custom-Office in *Scotland*, where the said Forreign Salt was first Imported, to the Custom Office in *England*, where the said Salt shall happen to be Transported, bearing the payment of, or security given for the Duties at the said Port, under this Penalty, that Forreign Salt Exported from *Scotland* into *England* without such Certificates, shall be confiscated.

2. As to the Third Article relating to Salted Fish or Flesh, Exported from *Scotland* into *England*, and Salted Flesh made use of for Victualling of Ships in *Scotland*, or Exported from *Scotland*, to parts beyond the Seas; The Lords Commissioners for *Scotland* do apprehend, that the said Articles do only

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concern such Fish and Flesh as is cured in whole or in part with *Scots* Salt, there being an obvious Difference betwixt the Case of these, and of such Fish and Flesh, Exported from *Scotland* to *England*, as is wholly cur'd with Forreign Salt, in regard that Forreign Salt is to pay the like Duty as in *England* at Importation into *Scotland*, and therefore ought not to pay a second Duty.

And the Lords Commissioners for *Scotland* do propose, That if the Duty on Salt take place in *Scotland*, after the Expiration of seven Years, during which time the Exemption is agreed to, That then the Kingdom of *Scotland* shall have an Equivalent.

The Lord Keeper, in Name of the Lords Commissioners for *England*, deliver'd to the Board the following Proposal, which was Read.

The Lords Commissioners for *England* being extremely desirous to come to a speedy Conclusion of the present Treaty, for an UNION of the two Kingdoms, and it having been already agreed, That the United Kingdom be Represented by one and the same Parliament; Their Lordships have turn'd their Thoughts to consider what may be a proper and reasonable Number for the Representative of *Scotland* in the House of Commons of the United Parliament; And do propose to the Lords Commissioners for *Scotland*, That Thirty Eight Persons be the Number, by which that Part of the United Kingdom now called *Scotland*, shall be Represented in the House of Commons, when ever a Parliament shall be called in *Great-Britain*.

Adjourn'd to Tuesday the 11 Instant, 6 in the Evening.

Tuesday the 11th June 1706.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for *England* on the 5th Instant, which was Read.

The Lords Commissioners for *Scotland*, in Answer to the Proposal deliver'd by the Lords Commissioners for *England* on the 5th Instant, concerning the Admiralty, do agree that all Admiralty Jurisdiction, be under the Lord High Admiral of *Great-Britain*, or Commissioners of Admiralty of *Great-Britain*, for the time being, and as to that part of the said Proposal, which concerns Appeals from the High Court of Admiralty, The Lords Commissioners for *Scotland* do propose,

That the Court of Admiralty now establish'd in *Scotland* be continued, and that all Reviews, Reductions or Suspensions of their Sentences in Maritime Cases, competent to their Jurisdiction, remain in the same manner after the Union, as now in *Scotland*, until the Parliament of *Great Britain* shall make such Regulations and Alterations as shall be judged expedient for the whole united Kingdom, providing there be always continued in *Scotland* a Court of Admiralty, such as is in *England*, for Determination of all Maritime Cases relating

relating to private Right in *Scotland*, competent to the Jurisdiction of the Admiralty Court.

And the Lords Commissioners for *Scotland* do further Propose, That the Heretable Rights of Admiralty and Vice Admiralties be reserv'd to the Respective Proprietors, as Rights of Property.

The Lord Chancellor did also, in Name of the Lords Commissioners for *Scotland*, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* having considered the Proposal made by the Lords Commissioners for *England* the 7th Instant, viz. That Thirty Eight Persons be the Number, by which that part of the United Kingdom, now call'd *Scotland*, shall be Represented in the House of Commons, when ever a Parliament shall be called in *Great-Britain*; Do find such Difficulties in that Matter, that they are under a Necessity to propose a Conference betwixt the Lords Commissioners for both Kingdoms on that Subject, in which their Lordships doubt not, but to Satisfie the Lords Commissioners for *England*, That a greater Number than is mentioned in the said Proposal will be necessary, for attaining the Happy UNION of the two Kingdoms, so much desired on both sides, and the Lords Commissioners for *Scotland* are willing now to enter on the said Conference, or when the Lords Commissioners for *England* will please to appoint.

The Lords Commissioners for *England* withdrew, and being return'd, The Lord Keeper acquainted the Board, That the Lords Commissioners for *England* do agree to a Conference with the Lords Commissioners for *Scotland*, upon the Subject contain'd in the Paper deliver'd by the Lords Commissioners for *Scotland*, at this Meeting, & that the said Conference be the Morrow at six a Clock in the Afternoon.

Adjourn'd to Wednesday the 12th Instant, 6 in the Evening.

Wednesday the 12th June, 1706.

The Lords Commissioners of both sides enter'd upon the Conference desired by the Lords Commissioners for *Scotland* the 11th Instant, concerning the Representative for *Scotland* in the House of Commons, in the United Parliament of *Great-Britain*, and the Conference being over;

Adjourn'd to Friday the 14th Instant, 6 in the Evening.

Friday the 14th June, 1706.

The Earl of Mar, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for *England* the 7th Instant, which was Read.

The Lords Commissioners for *Scotland* having considered the Proposal delivered by the Lords Commissioners for *England* on the 7th Instant, with the Conference that followed on the Subject of that Proposal; Their Lordships are hopeful, that the Lords Commissioners for *England* are convinced of the real Difficulties occurring in

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that Matter on the part of *Scotland*; And the Lords Commissioners for *Scotland* do find themselves still under an absolute Necessity, for bringing to a Happy Conclusion the UNION of the two Kingdoms, to insist, that a greater Number than that of Thirty Eight be agreed to, as the Representative for *Scotland* in the House of Commons in a Parliament of *Great-Britain*.

THE Lord Keeper, in Name of the Lords Commissioners for *England*, deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for *Scotland*, the 11th Instant, which was Read.

THE Lords Commissioners for *England* having considered the Paper delivered in by the Lords Commissioners for *Scotland*, on the 11th Instant, concerning Admiralty Jurisdiction; Do agree to the first Proposal therein contain'd, with this Addition.

THAT the Admiralty Court propos'd to be continued in *Scotland* after the Union, shall be subject to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*.

THE Lords Commissioners for *England* do likewise agree to the second Proposal in the said Paper contain'd, touching Heretable Rights of Admiralty, & Vice-Admiralties in *Scotland*, with this Provision, *viz.*

THAT these Heretable Rights, as to the manner of Exercising the same, shall be subject to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*.

Adjourn'd to Saturday the 15th Instant, one a Clock.

OBSERVATION IX.

" There were some Debates and a little time spent about the Matter of the Admiralty, but it was soon adjusted, and needs no Remark on it; only as to the Matter of Appeals to *England*, which however were found necessary, and agreed to with some little Trouble.

" But here had like to have happened a Difficulty about Appeals in Causes of private Right in *Scotland* —; Before the Union, Appeals in Law lay from the Lords of the Session to the Parliament; and the House of Peers of *Great-Britain* being now to be the Sovereign Judicature of *Britain*, there could be no Appeals but to them in Parliament: This it was thought would be a Grievance, by Reason of the Distance of Place, the Expence of Travelling, and the Charge of Prosecuting those Tryals at the Bar of the House of Peers.

" It was Objected, That the *Scots* Peers could not be allow'd to Vote in Matters of Judicature, either in Civil or Criminal Cases in *England*; and they gave a seeming substantial Reason for it, *viz.* That the *Scots* reserving their Judicature, Session and Justiciary to themselves, in which the *English* have no Voice, it would be unreasonable to desire the *Scots* should be let into that in *England*, which is reserv'd from the *English* in *Scotland*.

" To

" But to this it was Answered,

" The Lords in *England*, as Peers Assembled in Parliament,
 ' as they were before the Sovereign Judicature of *England*,
 ' would after the Union be together with the sixteen *Scots*
 ' Peers, the only Sovereign Judicature of *Britain*, and have
 ' their Voices in the Judicature of *Scotland*, as well as of
 ' *England* —; If this be made out, then the Objection
 ' against the *Scots* Noblemen Voting in Judicial Matters in
 ' *England*, would by Consequence fall to the Ground.

" The Judicature of the Lords consists in their trying their own
 ' Members for Life, and in Determining the Proceedings of all
 ' the other Courts of Justice in the Nation; an Appeal going to
 ' them from all other Judicatures whatsoever, whether before or
 ' after Judgment.

" In Tryals of Peers, 'tis plain by this Union, the *English*
 ' Lords will have a Vote in the *Scots* Judicature, since they will
 ' have the Power to try all the *Scots* Peers for their Lives or other-
 ' wise, in any Case wherein they shall become Obnoxious to the
 ' Law.

" And as to Appeals, it was therefore absolutely necessary they
 ' should ly before the House of Lords, they being the only Supreme
 ' Judicature; and to have had Appeals before any other, had
 ' been to have two Supremes, unless Commissioned by them; And if
 ' Commissioned by them and made certain, they had been too Infe-
 ' riour, and also not to be depended upon in Matters of such Mo-
 ' ment. To solve this Difficulty, a short Scheme was handed about
 ' for the Regulating that Point, so as to Vest the whole Authority of
 ' the Law judicially in the *British* Peers in Parliament, and settle
 ' the Essential Part in them, without nevertheless imposing the
 ' Trouble upon the *Scots* of coming up with their Causes to the
 ' Lords Bar, which would be intolerable.

The Scheme was as follows.

" The *Scots* have now an Appeal from the Lords of Session,
 ' which are their Judges of Assize, or whatever else they may call
 ' them.

" This Right of Appeal must not dy tho' the Parliament be-
 ' fore whom it lyes is Dissolved, but must Devolve upon that
 ' Power to which as the Center of the whole their Parliament De-
 ' volves, viz. *The Parliament of Britain*; Otherwise should the
 ' Right of Appeal dy, which is one Article of the *Scots* Claim of
 ' Right, they endanger their Property, and may upon a Thou-
 ' sand not unlikely Circumstances Revert to Tyrrannick Power,
 ' and even a Parliament may not help them.

" The Right of Appeal being not Dissolv'd, but Transfer'd to
 ' the general Center of Power, where, or on which Branch of that
 ' Power must it reside? Not in the Commons, that would be to
 ' make them a Court of Judicature, which they do not pretend
 ' to, and can not by their Constitution accept.

“Not to the select Number of *Scots* Representatives, that would be to give them more power than the *English* Representatives; one having a judicial Authority, the other not.

“Not to a Number chosen by the *Scots*, that would be a new Creation, and be a Reserve of some Power superior even to the general supreme power of Parliament, and many ways give Umbrage of a possibility of Return to a separate Constitution, which would be really inconsistent with a National Incorporated Union, and capable of keeping on foot continual Jealousies, Complaints, and Discontents among us, and might sometime or other break out into a Rupture again, and Unravel the very Union it self.

“To regulate this, we must fly to one general Maxime, which we must adhere closely to in all Matters of this Dispute, viz. That the great Center of Power whether Civil or Criminal is, and is to be lodg'd in the Parliament then to be called, *The Parliament of Great-Britain*.

“The Judicial Power in *Scotland* is immediately in the Session, as it is in *England* in the Judges; the Lords of the Session in *Scotland* as the Judges in *England*, receive their Commissions from the Sovereign, and in Her Name, and by Her Authority, tho' by special Law obtained in both Kingdoms, they are so fixed as that they can not be turn'd out but upon Misbehaviour.

“From the Session in *Scotland*, and all Acts, Sentences or Decréets there, lyes an Appeal to the Parliament, who sitting in one House are the sovereign Judicature of the Nation, as well Commons as Lords; From the Judges in *England* Appeals ly to the Chancery, and from thence to the House of Lords as the supreme Judicature of this Nation.

“But both Parliaments being to be Incorporated into one, as both Nations by consequence will be one, so the publick Justice must run in the same Channel, and the Appeals of both Kingdoms ly before the *British* Peers only, as that sovereign Ocean of Justice into which all the Streams must flow.

“But to the end that *Scotland* may, as far as may be, Eas'd in that Inconveniency, which her distance from the Capital may bring upon Her, & in which she suffers otherways deeply enough, Appeals from the Courts of Justice in *Scotland*, may be tryed in *Scotland*.

“A Court of Appeals may be Erected in *Scotland*, delegated from the Peers of *Britain* assembled in Parliament, to be named Annually or Triennially, or every Session, or otherwise, as in the Treaty of Union shall be agreed.

“These Delegates to be Nam'd out of the *Scots* Nobility and Gentry, to be chosen by Ballot, or by the usual way of Voting in the House of Peers.

“That they should be *Scots* is but equal, as they are only to Judge of Causes in *Scotland*, and is agreeable to the Constitution of *England*, which causes all Tryals at Law to be tryed in the

the County where the Party dwells, and to be Determined by a Jury of the Freeholders or Inhabitants of that particular County, and of no other.

And yet this does no way lessen the Authority of the Parliament, but preserves the Title of the Lords here to a Voice even in the Supreme Judicature of *Scotland*.

This Scheme as it Entitles the Parliament of United *Britain* to its full and compleat Jurisdiction; so it preserves the Right of Appeal to the *Scots*, prevents the Expensive proceeding of carrying their Appeals to *England*, and takes away all the Force of the Objection against the *Scots* Noblemen having a Voice in the *English* Judicature.

Thus the Union in point of Judicature may still be compleat, and the general Incorporation not at all Obstructed, the Course of Justice left free and open, and both Nations equally concern'd in it.

The *English* Peers are let into the Sovereignty of the *Scots* Judicature as well as of their own; and the *Scots* let into all the necessary Privileges which the Right of their Peerage, and the nature of an Incorporated Equality requires.

There were Reasons to be given why this Proposal was not further entred upon, tho' both sides approved of the Method, some of which were perhaps such as these.

1. That one side were willing enough to have all Appeals come to *England*.

2. Others willing to have as few as possible made at all; and supposing that the Inconveniencies of pursuing an Appeal to *England*, would incline People rather to acquiesce, and make the Judgment of the Session more Definitive—. But these things by the way.

Saturday the 15th June 1706.

The Earl of Mar, in Name of the Lords Commissioners for *Scotland*, delivered to the Board the following Answer to the Paper delivered by the Lords Commissioners for *England* the 14th Instant, which was Read.

The Lords Commissioners for *Scotland*, having considered the Paper deliver'd by the Lords Commissioners for *England* on the 14th Instant, concerning Admiralty-Jurisdictions; Do agree to the same.

The Lord Keeper, in Name of the Lords Commissioners for *England*, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England*, having taken into Consideration, the Reply delivered the 7th Instant, by the Lords Commissioners for *Scotland*, to the Answer of the Lords Commissioners for *England*, to the Proposal made by the Lords Commissioners for *Scotland* the 21st of May last, for the effectual preventing the Exportation of *Scotch* Salt to *England*, or the Plantations, without paying the

the same Excises with which *English* Salt is charg'd, during the Exemption allowed to *Scotland* from the said Dutys, and as to salted Provisions.

As to that part of the Reply which relates to the second Article in the said Answer, concerning Salt not made in *Scotland*, Imported from thence into *England*; The Lords Commissioners for *England* did not intend, that a double Duty should be laid on Forreign Salt Exported from *Scotland* to *England*; and therefore the Lords Commissioners for *England*, do agree to the Proposal in the said Reply, that all Forreign Salt Imported into *Scotland* be charg'd at the Importation there with the same Dutys after the Union, as the like Salt is charg'd with, being Imported into *England*, to be levied and secured in the same manner, and to the further security, by Certificate therein propos'd, to be sent with Forreign Salt Exported from *Scotland* into *England*.

And as to that part of the said Reply, which relates to the third Article in the said Answer, touching salted Fish or Flesh Exported from *Scotland* into *England*, and salted Flesh made use of for Victualling of ships in *Scotland*, or Exported from *Scotland* to Parts beyond the Seas; It appearing by the said Proposal deliver'd by the Lords Commissioners for *Scotland* the 21st May last, That all Fish and Flesh Barrell'd in *Scotland* for Exportation, are by the Law of *Scotland* appointed to be Pack'd and Cured with Forreign Salt, without any mixture of *Scotch* Salt; The Lords Commissioners for *England*, do not insist on the said third Article in their said Answer, Provided it be agreed, that all Salted Fish or Flesh Exported from *Scotland* to *England*, and all salted Flesh made use of for Victualling of Ships in *Scotland*, or put on Board to be Exported from *Scotland* to Parts beyond the Seas, that shall appear to be salted with *Scots* Salt, or a mixture of such Salt, shall be Forfeited, and as such may be seiz'd in *England* or *Scotland*.

As to the last part of the Proposal of the Lords Commissioners for *Scotland*, That if the Duty on Salt take place in *Scotand* after the expiration of seven years, that then the Kingdom of *Scotland* shall have an Equivalent; The Lords Commissioners for *England* do understand, that the Equivalent is only to be extended to such part of the Duties as shall be applied to the payment of the Debts of *England*.

The Lord Keeper did also, in Name of the Lords Commissioners for *England*, deliver to the Board the following Proposal, which was Read.

The Lords Commissioners for *England*, being assured by the Lords Commissioners for *Scotland*, that there will be found insuperable Difficulties in reducing the Representation of *Scotland* in the House of Commons of the United Kingdom, to Thirty eight Members, the Number formerly propos'd by the Lords Commissioners for *England*; do, (to shew their Inclinations to remove every thing that would of necessity be an Obstruction to the perfecting the Union of the two Kingdoms) Propose to the Lords Commissioners for *Scotland*,
That

That Fourty five Members, and no more be the Number of the Representatives for that Part of the United Kingdom, now called *Scotland*, in the House of Commons of the United Kingdom, after the intended Union.

And there being an absolute Necessity, that the Number of Peers to be admitted into the House of Lords of the United Kingdom, for that Part of the United Kingdom, now called *Scotland*, be regulated in Proportion to the Number to be admitted into the House of Commons; do propose, that Sixteen Peers be the *Quota* of *Scotland* in the House of Peers of the Parliament of the United Kingdom, after the intended Union.

Adjourn'd to Tuesday the 18th Instant, 6 in the Evening.

Tuesday, the 18th June, 1706.

The Earl of *Mar*, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for *England* the 15th Instant, which was Read.

The Lords Commissioners for *Scotland* having considered the Paper delivered by the Lords Commissioners for *England* the 15th Instant, containing a Proposal, that Fourty Five Members be the Number of the Representatives of that part of the United Kingdom, now called *Scotland*, in the House of Commons of the United Kingdom, after the Intended Union; And, That Sixteen Peers be the *Quota* of *Scotland* in the House of Peers, in the Parliament of the said United Kingdom: And being most desirous to concur in what is further Necessary to finish this Treaty, and at the same time sensible of the Difficulties on the part of the Lords Commissioners for *England* in that Matter; Do not insist for greater Numbers (by virtue of this Treaty) of Representatives in the House of Peers and the House of Commons, in the Parliament of *Great-Britain*, than these propos'd by the Lords Commissioners for *England*; Providing that all the Peers of *Scotland*, and their Successors to their Honours and Dignities, be, from and after the Union, Reckon'd and Declar'd Peers of *Great-Britain*, and that they Enjoy, in their Respective Degrees and Orders, all other Titles, Dignities, Preheminencies, Immunities and Priviledges whatsoever, as fully and freely as the Peers of *England* do at present, or the Peers of *Britain* may Enjoy hereafter.

And the Lords Commissioners for *Scotland* do further Propose, That the Peers of *Scotland* for that time being, and their Successors, do, at and after the Union, according to their different Degrees and Orders, Enjoy the Rank and Precedency of all Peers to be thereafter Created of the like Orders and Degrees in the said United Kingdom.

Adjourn'd to the 19th Instant, 12 a Clock.

OBSERVATION X.

“ There was now the only remaining Difficulty of the Union before them, and this was the Consequence of the Third Article, viz. The Uniting the Parliament, and how to state the Proportion of the Representative was the present Case.

“ The Difficulty was double, not only how to draw the Proportion so, as might consist with the Equalities spoken of before, which were the Foot or Rule of the Treaty, but how to draw it so, as that either Parliament, who were to Confirm this Work, should be rationally supposed to come into it.

“ Abundance of Schemes were proposed for this, as Mens Fancies guided them, and the Debates without Doors were much warmer, than those within; However, as it was a Thing required particular Application, so it was the best Step that could have been taken, by way of preliminary, to propose a Conference, wherein both sides had full Scope to deliver their Arguments and Reasons in the Case; since, to have gone on by Proposals and Answers in Writing, would have taken up more time than was needful to be spent in such an Affair, and have kept it depending; whereas both sides were pleased with the Hopes, and both the Kingdoms big with Expectation of the Success of this Treaty, and the Conclusion of the long expected Union.

“ There was no Occasion to look far back into former Years for Help in this Calculation; There was but one Precedent in the whole World, from which any Scheme could be drawn, and that was in the transient Union made by *Oliver Cromwell*; in which, as I have noted before, he brought every thing by a Scale of Proportions to a Point, as things then stood.

“ This Model of a Representative was taken from the Scheme of Proportions, upon which he had formed his Taxation, in which *Scotland* being Rated at about a 13th part of the Land Tax, had also allowed her about a 13th part of the Representative, as follows;

“ *England* was Taxed at 70000 *l.* per *Mensem*, and was Represented in Parliament by 400 Members.

“ *Scotland* was Tax'd at 6000 *l.* per *Mensem*, and was Represented in Parliament by 30 Members.

“ Now abating a few Fractions, which, in dividing Persons, cannot be exactly observed, it is plain, 30 to 400 is very near what 6000 *l.* is to 70000 *l.* as follows;

“ 13 times 30 is 390 Members, and 13 times 6000 *l.* is 78000 *l.* whereas one is 8000 *l.* over in the Money, so the other is 10 under in the Representative.

“ I will not say, this was the most equal Judgment that ever was made of this kind as to *Scotland*, but I may be allowed to say, that, with Respect to *England*, it was certainly the most equal

equal Distribution of Elections that ever was, and much beyond our present Method; For, in this Scheme, the Disproportion of Numbers was taken away, and the Election of Members to Represent Ruin'd Heaps, Decayed Castles and Depopulated Towns, was let fall: But of this by the way.

"The present Calculation was not very remote from this in Effect, tho' not built upon the same Foot; and it was very rationally argued here, That the Proportion could not be taken safely from the Share of Taxes paid, which was the Scheme which most of the Politicians of that time pretended to go upon; but that the Proportion must be doubly calculated, which if it be Examined, and were to be Applied in *Holland*, and other parts of the World, must have been done.

For Instance the Share in Taxes.

And the Number of the People.

"If, on one Hand, the Share of Taxes may be low, yet the Number of People great; or, on the other Hand, the Share of Taxes high, and the People few, the Extremes are to bear their Weight in the Proportion.

"Thus, tho' the *Scots*, by this Union, paid but 48000 *l.* for *Scotland* to 1997000 *l.* *English*, which was about $\frac{1}{40}$ part, forty times 48000 *l.* being 1920000 *l.* to have argued from thence, That they should have but 13 Members, which, to the House of Commons, is $\frac{1}{13}$ part of 513: This would appear ridiculous.

"Again, if you take an Estimate of the People of both Nations, we shall find *Scotland* Esteemed to contain two Millions, and *England*, at the highest Calculation, under six; and this brings *Scotland* to a Third Part of the Members, which would be Extravagant the other way, and oblige them to send 171 Members to the House.

"But, if you set these Extremes against one another, it will appear, That a Tenth of the Representative Answer'd as nigh to an Equality, as such a Thing could well be reduced to; and on this Foot, the *Scots* Commissioners were supposed to be near the Matter, when they desired 50 Members might be the Representative for *Scotland*.

"However this was, the *English* Commissioners having proposed 38, as by the Minutes, a Conference was agreed to.

"And here the Commissioners sincerely and candidly applied themselves to one another, debating not only the Reasons and Proportions on either Hand, but the Temper and Circumstances of either Nation; so, if possible, to Accommodate themselves to both, and to consider not only what was equal, but also what was likely to take place in the Minds of the respective Parliaments, which were to debate it after them; of which none knew the Difficulties better than themselves, neither were these things fit to have been the Subject of Minutes, which, in time, were to be supposed, would be made publick, and be canvass'd

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‘ on either side by the most Critical Heads of Two Nations, and
 ‘ particularly by those in both the Nations, whose Study it
 ‘ would be to oppose and obstruct the Union.

“ And indeed, in this Prudence of the Commissioners, consisted the best Prospect of bringing this Treaty to a Happy Conclusion.

“ The Conference was Happy in its Success, the *English* Commissioners were convinc’d by the Reasons given on the other side, they saw the Difficulties which the *Scots* Commissioners Represented lay before them; and regarding the End of their Meeting, which was to contribute, as much as in them lay, to Unite the Two Kingdoms, they advanced their Number to 45, and gave their Reasons and Difficulties on the other Hand, positively determining the Point, that they could go no further; Upon which the *Scots* Commissioners, from the same Zeal for bringing the Treaty, which was now in so Happy a Forwardness, to a Conclusion, acquiesced.

“ As for the Number of the Peers, there was no Room to debate, since the Number proposed, which was 16, was a full Proportion to the other, & had more of an Equality in it a great deal, than any other part of the Treaty; Especially considering, That several of the *Scots* Peers then were Peers of *England*, and hereafter might become Peers of *Great-Britain* by Creation.

“ And thus this great Difficulty was also happily got over, and now the Union began to shew it self, and People on every Hand began to Expect, it should be Completed in a few Days.

Wednesday the 19th June, 1706.

The Lord Treasurer, in Name of the Lords Commissioners for *England*, deliver’d to the Board the following Paper, which was Read.

The Lords Commissioners for *England* having considered the Two Proposals made by the Lords Commissioners for *Scotland*, in their Paper delivered the 18th Instant, do agree to the same, with the following Explanation, That all the Peers of *Scotland*, and their Successors to their Honours and Dignities, be, from and after the Union, Reckoned and Declared Peers of *Great-Britain*, and that they Enjoy in their Respective Degrees and Orders, all other Titles, Dignities, Preheminencies, Immunities and Priviledges whatsoever, as fully and freely, as the Peers of *England* do at present, or the Peers of *Britain* may Enjoy hereafter; Provided, That no Peer, who shall not then have the Right to sit in Parliament, shall be capable of sitting upon the Tryal of any Peer, And also, That no Peer, not having Right to sit in Parliament, shall have Priviledge of Parliament.

And also, That the Peers of *Scotland* for the time being, and their Successors, do, at and after the Union, according to their different Degrees and Orders, Enjoy the Rank and Precedency of all Peers to be thereafter Created of the like Orders and Degrees in the United Kingdom:

Kingdom: Provided always, That it be understood, That all Persons, who shall be Peers of *England* at the time of the Union, shall for ever Enjoy that Rank and Order of Precedence of their Respective Degrees, before the same Degrees of the Peers of *Scotland*.

The Lord Treasurer did also, in Name of the Lords Commissioners for *England*, deliver to the Board the following Proposal, which was Read.

The Lords Commissioners for *England* do propose, That from, and after the Union, the Coin shall be of the same Standard and Value thro-out the United Kingdom, as now in *England*, and the same Weights and Measures shall be used thro-out the United Kingdom, as are now Establish'd in *England*.

The Lord Treasurer did likewise, in Name of the Lords Commissioners for *England*, deliver to the Board the following Proposal, which was Read.

The Lords Commissioners for *England* do propose, That all Laws and Statutes in either Kingdom, which are contrary to or inconsistent with the Terms agreed on for Uniting the two Kingdoms, shall be repeal'd and made void.

Adjourn'd to Friday the 21st Instant, 12 a Clock.

Friday the 21st June, 1706.

The Earl of *Mar* in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland*, do agree to the Proposal contain'd in the Paper, delivered by the Lords Commissioners for *England* the 15th Instant, concerning the Duty on Salt, with this Explanation, as to the last Paragraph thereof, about the Equivalent, That seeing the whole Duties on Salt, are already appropriated for payment of the Debts of *England*, The Lords Commissioners for *Scotland*, do understand that whenever the Duties upon Salt shall take place in *Scotland*, the Sums thence arising, will be applicable to the payment of the Debts of *England*, and thereby there will be an Equivalent due to *Scotland*, for the whole Duties to be levied on Salt there.

The Earl of *Mar* did also in Name of the Lords Commissioners for *Scotland*, deliver to the Board the following Paper which was Read.

The Lords Commissioners for *Scotland*, do agree to the Proposal contain'd in the Answer delivered by the Lords Commissioners for *England*, concerning the Peers of *Scotland* with this further Explanation; The Lords Commissioners for *Scotland* do understand, That by the Explanation contain'd in the said Paper delivered by the Lords Commissioners for *England*, All the Peers of *Scotland* are to be Tryed as Peers of *Great-Britain*, and enjoy all Priviledges of Peerage, Excepting that of Sitting in the House of Lords, and the Priviledges depending thereon, to which Sixteen Peers to be sent from time to time, from the Peers of *Scotland*, to the House of Lords

of *Great-Britain* are only Intituled; And the Lords Commissioners for *Scotland* do propose, that in the Tryals of Peers in time of Adjournments or Prorogations of Parliament; The Sixteen Peers who do then Represent the Peers of *Scotland* shall be Summon'd in the same manner, and have the same Powers and Priviledges in such Tryals, as any other Peers of *Great-Britain*, and that in the Tryals of Peers when there is no Parliament in being, the sixteen Peers Representatives from *Scotland* in the former Parliament shall be called in the same manner, and have the same Powers and Priviledges.

The Earl of *Mar* deliver'd also (in Name of the Lords Commissioners for *Scotland*) to the Board, the following Paper, which was Read.

The Lords Commissioners for *Scotland*, having considered the Proposal delivered by the Lords Commissioners for *England* the 19th Instant, viz. That from and after the Union, the Coyn shall be of the same Standard and Value thro-out the United Kingdom as now in *England*, and the same Weights and Measures shall be used thro-out the United Kingdom, as are now established in *England*; The Lords Commissioners for *Scotland* do agree to the same, providing that consideration be had to the Losses private persons may sustain in reducing the Coyn to the same Standard as now establish'd in *England*, and also provided, That from and after the Union, the Mint at *Edinburgh* be always continued under the same Rules, as the Mint in the Tower of *London*, or elsewhere in the United Kingdom; and that the Standard of Weights and Measures for *Scotland* be kept by those Burroughs within that part of the United Kingdom now called *Scotland*, to whom the keeping of the Standards of Weights and Measures now in use in *Scotland*, does by special Right and Priviledge belong.

The Earl of *Mar*, did likewise in Name of the Lords Commissioners for *Scotland*, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* having considered the Proposal made by the Lords Commissioners for *England* the 19th Instant, That all Laws and Statutes in either Kingdom, which are contrary to, or inconsistent with the Terms agreed on for Uniting the two Kingdoms, shall be Repeal'd and made void; Do agree to the same.

The Earl of *Mar*, Did in Name of the Lords Commissioners for *Scotland* deliver to the Board, the following Proposal, which was Read.

The Lords Commissioners for *Scotland*, having by their Paper delivered the 9th May last propos'd, That the private Right of Corporations and Companies, should be reserv'd to be considered in the course of this Treaty, Their Lordships do now propose, That the Rights and Priviledges of the Company in *Scotland*, Trading to *Africa* and the *Indies*, Established in *Scotland*, by the 8th Act of Parliament 1693, and by the 13th Act of the Parliament 1701, Do continue in Force after the Union, or that if the Priviledges of that Company shall be judg'd inconvenient for the Trade of the
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Rest of the United Kingdom, that the private Rights of the said Company in Scotland be purchas'd from the Proprietors.

The Earl of Mar, did also in Name of the Lords Commissioners for Scotland, deliver to the Board the following Proposal, which was Read.

The Lords Commissioners for Scotland, do propose to the Lords Commissioners for England, That all Ships belonging to Her Majestys Subjects in Scotland at the time of the Union (the Foreign built) shall be deem'd and pass as Ships of the Built of Great-Britain, The Owner or Owners within twelve Moneths after the Union making Oath, That the same did belong to him or them at the commencement of the Union, and do's then belong to him, or them, and that no Forreigner, directly nor indirectly, hath any share or part, or Interest therein, which Oath shall be made before the chief Officer of the Customs at the Port next the Abode of the said Owner or Owners, and the said Officer shall be Impowred to Administer the said Oath, and the Oath being so Administred, shall be Attested by the Officer who Administred the same, and being Registred by the said Officer, shall be delivered to the Master of the Ship for security of her Navigation, a Duplicat of which Register shall be immediately transmitted to the Commissioners of Her Majesties Customs in the Port of *Edinburgh*.

As to Ships built in Scotland before, or which shall be built there after the Union, the Lords Commissioners for Scotland do make no separate Proposal, seing those by the Mutual Agreements in this Treaty, are to be subject to the same Regulations as in England, and consequently to the Acts of Navigation now in Force.

Adjourn'd to Saturday the 22d Instant, one a Clock.

Saturday the 22d June 1706.

The Lord Treasurer in Name of the Lords Commissioners for England, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for England having considered the Paper concerning Salt, deliver'd by the Lords Commissioners for Scotland 21st Instant, think themselves oblig'd to Inform their Lordships, that the whole Duties on Salt, are not appropriated for payment of the Debts of England; The Duty of 12 d. a Bushel on Salt tho' granted to the Crown in perpetuity, is appropriated to the payment of Debts no longer than till the 1st. August 1710.

That the remaining part of the Duty on Salt, viz. 2 s. 4 d. a Bushel is granted to the Crown in perpetuity, and is with other Duties appropriated for payment of 100000 lib. per annum to the East India Company Redeemable by Parliament, and the superplusage above that Annual summe is not appropriated to the payment of the Debts of England; And therefore the Lords Commissioners for England do think it necessary for them, to insist upon what was exprest in their Paper deliver'd by them the 19th Instant; that when the Duty on Salt shall take place in Scotland, the Equiva-

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lent which the Kingdom of *Scotland* is to have, ought to be extended only to such part of the Dutys on Salt, as shall be applied to the payment of the Debts of *England*.

The Lord Treasurer did likewise in Name of the Lords Commissioners for *England*, deliver to the Board the following Paper, which was Read.

It appearing by a Paper given in by the Lords Commissioners for *Scotland* the 21st Instant, that the Lords Commissioners for *England* had not fully expressed themselves in some part of a Paper delivered by them on the 19th Instant, to the satisfaction of the Lords Commissioners for *Scotland*, and being desirous upon this, and all other occasions, to proceed with all possible clearness, do make the following Explanation of their meaning in that part of the said Paper.

They agree, That all Peers of *Scotland*, and their Successors to their Honours & Dignities, shall from and after the Union be reckoned and declared Peers of *Great-Britain*, and shall be Tried as Peers of *Great-Britain*, and shall enjoy the Privileges of Peers, as fully as the Peers of *England* do now enjoy the same, or as they or any other Peers of *Britain* may hereafter enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the Right of sitting upon the Tryals of Peers.

They agree, That the sixteen Peers who are to sit in the House of Lords of *Great-Britain*, for that part of the United Kingdom called *Scotland*, after the Union shall have all Privileges of Parliament, which the Peers of *England* now have, and which they or any Peers of *Britain* shall have after the Union, and particularly the Right of sitting upon the Tryals of Peers.

They agree, That in case of the Tryal of any Peer in time of Adjournment or Prorogation of Parliament, the said sixteen Peers shall be summon'd in the same manner, and have the same powers and privileges at such Tryals, as any other Peers of *Great-Britain*.

And they do further agree, That in case any Tryals of Peers shall hereafter happen, when there is no Parliament in Being, the sixteen Peers of *Scotland* who sat in the last preceeding Parliament, shall be summon'd in the same manner, and have the same Powers and Privileges at such Tryals, as any other Peers of *Great-Britain*.

The Lord Treasurer did also in Name of the Lords Commissioners for *England*, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for *England* do agree to the Proposal delivered the 21st. June, by the Lords Commissioners for *Scotland*, touching Ships belonging to Her Majesties Subjects in *Scotland*, with the Alterations following, viz.

That all Ships belonging to Her Majesties Subjects in *Scotland*, at the time of signing the Treaty for the Union of the said Kingdoms, tho Foreign Built, shall be deem'd and pass as Ships of the Built of *Great-Britain*; the Owner or Owners within twelve Moneths after the Union, making Oath that the same did belong to him or them

them at the signing the said Treaty, and doth then belong to him or them; and that no Forreigner directly nor indirectly hath any share or part, or interest therein; Which Oath shall be made before the chief Officer or Officers of the Customs in the Port next the Abode of the said Owner or Owners; and the said Officer or Officers shall be Impowr'd to Administer the said Oath, and the Oath being so Administred, shall be Attested by the Officer or Officers who Administred the same, and being Registred by the said Officer or Officers, shall be Transmitted to the chief Officer or Officers of the Customs in the Port of *Edinburgh*, to be there enter'd in a Register, and from thence to be sent to the Port of *London* to be there enter'd in the general Register of all the Trading Ships belonging to *Great-Britain*.

The Lord Treasurer, in Name of the Lords Commissioners for *England*, deliver'd to the Board the following Proposal, which was Read.

The Lords Commissioners for *England* do propose to the Lords Commissioners for *Scotland*, That, from and after the Union, there be one Great-Seal for the United Kingdom of *Great-Britain*, to be used for sealing Writs to elect and summon the Parliament of *Great-Britain*, and for sealing other Publick and Mandatory Writes, Publick Acts or Orders of State, and Grants, and such Instruments relating to publick Justice, Polley and Government, as are proper to be seal'd with a Great-Seal; yet nevertheless a Seal in *Scotland* shall, after the Union, be always kept, and made use of in all things relating to Privat Rights and Justice, in the same manner as the Great-Seal is at this time us'd, but subject to such Regulations as the Parliament of *Great-Britain* may hereafter make, and until such Seal shall be provided, the Great-Seal of *Scotland* shall be used, as at this time, in all things relating to privat Rights and Justice.

The Earl of *Mar*, in Name of the Lords Commissioners for *Scotland*, delivered to the Board the following Proposal, which was Read.

The Lords Commissioners for *Scotland* do propose it be declared, That the Laws and Acts of Parliament in *Scotland* for Pincing, Curing and Packing of Herrings, White-fish and Salmon for Export beyond Seas with Forreign Salt only, and for preventing of Frauds in Curing and Packing of Fishes, be continued in Force in *Scotland* after the Union, but subject to Alterations by the Parliament of *Great-Britain*, and that the same Eases, Proœmiums and Draw-backs be allowed after the Union, for Encouragement of such as shall Export Fishes from *Scotland* beyond Seas, as is now allowed by the Laws of *England*, to such as Export the like Fishes from *England*.

Adjourn'd to Tuesday the 23th Instant, one a Clock.

Tuesday the 25th June, 1706.

The Earl of Mar, in Name of the Lords Commissioners for Scotland, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for Scotland do agree to the last Explanation contain'd in the Paper delivered by the Lords Commissioners for England on the 22d Instant, concerning the Priviledges of the Peers of Scotland.

The Earl of Mar did also, in Name of the Lords Commissioners for Scotland, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for Scotland do agree to the Proposal made by the Lords Commissioners for England on the 15th Instant, concerning the Duties on Salt, and do not insist on the Explanation propos'd by their Lordships the 21st Instant, in respect of what is represented in the Paper delivered by the Lords Commissioners for England on the 22d Instant.

The Earl of Mar did likewise, in Name of the Lords Commissioners for Scotland, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for Scotland do agree to the Alteration made by the Lords Commissioners for England in the Proposal deliver'd by the Lords Commissioners for Scotland, touching Ships belonging to Her Majesties Subjects of Scotland, with this further Explanation.

That all Ships belonging to Her Majesties Subjects of Scotland, at the time of signing this Treaty of the Union of the two Kingdoms, tho Forreign Built, shall be deem'd and pass as Ships of the Built of Great Britain, the Owner, or where there are more Owners, one or more of them, within twelve Months after the Union, making Oath, that the same did belong to him or them, or to some other Subject or Subjects of Scotland, at the time of signing the said Treaty, and doth then belong to him or them; and that no Forreigner, directly nor indirectly, hath any Share, or Part, or Interest therein, which Oath shall be made before the chief Officers of the Customs in the Port next the Abode of the said Owner or Owners, and the said Officer or Officers shall be Impowred to Administer the said Oath, and the Oath being so Administred, shall be Attested by the Officer or Officers, who Administred the same; and being Registered by the said Officer or Officers, shall be delivered to the Master of the Ship, for Security of her Navigation, and a Duplicat thereof shall be Transmitted by the said Officer or Officers to the chief Officer or Officers of the Customs in the Port of Edinburgh, to be there enter'd in a Register, and from thence to be sent to the Port of London, to be there enter'd in the general Register of all Trading Ships belonging to Great Britain.

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OBSERVATION XI.

“ The Debates about the 16 Peers are so clear, and the Questions and Answers in themselves so direct, That they require no Explanation; Nor was there any thing considerable pass'd upon those Heads, which is not express'd in the Minute.

“ The settling the different Privileges between the Sitting Peers for the Time being, and the other Peers, seem'd to be the main Difficulty, and was quickly Regulated.

“ I know it was alledged in *Scotland*, That the Privilege of Peerage being, by this Treaty, extended to the Nobility of *Scotland*, I mean, as to Protection of their Persons and Estates, was both a Dishonour and a Disadvantage to them; A Dishonour, as if they were stooping to accept of an Exemption from an Honest Discharge of their Debts, and a Disadvantage, since now, they being not lyable to Prosecutions for Debt, would obtain no Personal Credit, whatever their Occasions might be —; And that a private Gentlemans Bond would now be more Valuable than a Nobleman's, since it could be Sued and made Heretable, whereby his Estate should become lyable, as well after his Death, as in his Lifetime, whereas a Nobleman's Bond could no way be put in Suit.

“ However this was, there was no making a Distinction, at a time when a Treaty was Transacting, to bring all, if possible, to an Equality of Circumstances, unless the *English* Nobility, should have laid themselves and their Estates open, to the common Process of the Law, which had been Inconsistent with their Constitution, and much more with their Convenience.

“ I have not meddled with the frequent Proposals, Answers and Replies about the Salt Tax, as a Thing I shall speak more at large to, when I shall observe upon the Minutes of Parliament, where that Matter received a New Turn, and all these Scruples were effectually settled under one Head of Limitation, and so are needless to be Repeated here.

“ It may be needful to Explain something here, of the Debate and Restriction about Shipping; The *English* Commissioners had in their View the Act of Navigation, which, in *England*, obliges all the Ships Employed to and from *England*, except only such Ships as Import any Thing of the Growth or Manufacture of their own Country, to which those Ships belong, to be *English* built Ships, and the Mariners, or Sallers Navigating the same, to be Two Thirds, at least, Natural Born Subjects of *England*.

“ Now as *Scotland* of late Years wanting Timber, or other Materials for Building, had but very few Ships of their own Building, they carryed on the greatest part of their Foreign Trade in Ships built in *Holland*, *Hamburgh*, the *Baltick*, or other Foreign Parts; Wherefore the *English* Commissioners, in order

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to set Bounds to the Introducing of Forreign Bottoms into our Trade as Free Ships, offered the Clause as in the Minute.

"It was moved in the *Scots* Behalf, to give a certain time for the clearing up this Point, and that a Ship should be deemed Free at the time of the Union, if part of her was owned by *Scots* Men at the time of the Union, because as the *Scots* Traded much to *Holland*, so the Merchants of *Amsterdam*, *Camphere*, &c. were in part Owners, in Company with the *Scots* Merchants, of many of their Ships; And therefore it was thought hard, That if the Major Part of the Owners were *Scots* Men, yet the Ship should be deemed Forreign, which would either oblige the *Scots* Merchant to buy the Remainder, at what Price the Forreign Owner pleased to Exact, or oblige him to sell and cast off the Ship, which he could not carry on his Trade without.

"But as this would have clashed directly with the Act of Navigation, and created innumerable Inconveniencies in Trade, it was left out; For then Forreigners had had no more to do, but to Interest *Scots* Men in a Moiety of their Ships, and so have made great Numbers of Forreign built Bottoms have pass'd for Free Ships in *Britain*, to an Inexpresible Damage of the *English* Trade.

"This Point therefore being given up, it remained only to dispute the time, at which any Vessel belonging entirely to *Scots* Owners should be deemed Free; The *English* Commissioners put it, to be at the time of Signing the Treaty, the *Scots* Commissioners insisted on the time of the Commencement of the Union; But the Reasons given against that Latitude were so Convincing, that the *Scots* Commissioners Complied with it.

"The principal Reason was, That, in that Interval of time, the Merchants of either Kingdom might furnish themselves with great Numbers of Forreign Ships, which being built cheaper than the *English*, and becoming Free by this Clause, would be a great Prejudice to Trade; And seing it was the known Interest of both Kingdoms, to Encourage the Building of Merchants Ships among themselves, it could not but be the Interest of both, to prevent the Crowding in of Forreign Ships among them.

"This was Debated again in the Parliament of *Scotland*, and, after long Discourses, obtain'd to pass with this small Alteration, the Time of *Ratifying*, instead of the Time of *Signing* the Union, as shall appear in its place.

"The Affairs of the Standards, Weights and Measures, were Things admirted no Debate in either Kingdom, so need no Observation; I shall give a Scale of the Differences hereafter, because it may be useful in Matters of Trade.

"The Affair of the Coin made some Noise Abroad among the People, but the Answering the Loss of private Persons out of the Equivalent put a Stop to it, and it was also Adjusted without any Hesitation.

"Neither

“ Neither was there any Difficultie before them about the Affair of the Great-Seal of *Britain*, or of any Regulations with respect to a Seal in *Scotland*, for the passing such Acts, either relating to private Rights or publick Justice; but it appeared so equal, that it made no Difficulties, even at the time of the Parliament in *Scotland*, when most of the other Heads admitted such strong Debates.

“ But the next thing proceeded upon, was the Calculation of the Equivalent, which a Committee had been busy in settling, with Clerks appointed to Examine the Calculations, and State them for the Commissioners, the Result of which was now before them.

The Lord Treasurer in Name of the Lords Commissioners for *England* deliver'd to the Board the following Proposal, which was Read.

The Lords Commissioners of the two Kingdoms having appointed a Committee consisting of a like Number of each Commission for adjusting the Equivalent to be allowed to *Scotland* for what that Kingdom should become lyable to answer towards payment of the Debts of *England*, by Reason of their having agreed to bear the same Duties of Customs and Excises upon all Exciseable Liquors; and the said Committee having frequently met, and after a full enquiry having agreed amongst themselves, and severally Reported to their respective Commissions, that the Sum of *lib. 398085, 10 sh.* was the Equivalent to be answered to *Scotland*, according to the proportion which the present Customs and Excises in *Scotland* do bear to the Customs and Excises upon Exciseable Liquors in *England*; and the Lords Commissioners for *England* having considered and Examined the said Report, Do agree to the said Sum.

The Lords Commissioners for *Scotland* having also insisted, That after the Union the Kingdom of *Scotland* becoming lyable to the *English* Duties of Customs and Excises upon exciseable Liquors, as well upon that account as upon the account of the increase of Trade and People, which will be the happy consequence of the said Union, the said two Revenues will much improve, of which no present Valuation can be made; Yet nevertheless for the Reasons aforesaid there ought to be a proportionable Equivalent allowed to *Scotland*; The Lords Commissioners for *England* do agree that after the Union there shall be an Accompt kept of the said Duties arising in *Scotland*, to the end it may appear what ought to be allowed to *Scotland* as a proportionable Equivalent for such proportion of the said Increase, according to the calculation aforesaid, as shall be applicable to the payment of the Debts of *England*.

The Lords Commissioners for *Scotland* having also by their Paper delivered the 21st Instant, propos'd that the Rights and Priviledges of the Company in *Scotland*, Trading to *Affrica* and the *Indies*, do continue after the UNION, or if the Priviledges of that Company be judg'd inconvenient for the Trade of the United Kingdom, That

the private Rights of the said Company in *Scotland* be purchas'd from the said Proprietors; The Lords Commissioners for *England* in Answer thereto, say they are of opinion, That the continuance of that Company is inconsistent with the Good of Trade in the United Kingdom and consequently against the interest of *Great-Britain*; And therefore, they insist that it ought to be determined; But the Lords Commissioners for *England* being sensible that the Misfortunes of that Company have been the occasion of Mis-understandings, and Unkindnesses between the two Kingdoms, and thinking it to be above all things desirable, that upon the Union of the Kingdoms, the Subjects of both may be entirely United in affection; Do therefore wish that regard may be had to the Expences and Losses of the particular Members of the said Company, in the manner hereafter-mentioned, and they hope when the Lords Commissioners for *Scotland* have considered how Generally that undertaking was enter'd upon in *Scotland*, and consequently how universal that Loss was, they will readily agree to the Proposal.

The Lords Commissioners for *England* do also think it of much consequence to *England*, that it should be agreed in this Treaty after what manner the Equivalent (which will amount to a great Sum payable upon and after the Union) is to be paid and applyed, and being extremely desirous to bring the Treaty to a speedy Conclusion, and in order to that, as soon as may be, to settle and fix the matter of the Equivalent, and the Application thereof; Do agree as follows, and do also make the following Proposal to the Lords Commissioners for *Scotland*.

The Lords Commissioners for *England* do agree, That upon completing the Union, the said Sum of *Lib. 398c85 10 sh.* being agreed upon as the Equivalent for *Scotland*, shall be granted to Her Majesty for that use.

The Lords Commissioners for *England* do also agree, that upon the Account to be kept as aforesaid of the Improvement of the Revenue of Customs and Excises upon Exciseable Liquors in *Scotland* after the Union, there shall be answered to *Scotland* an Equivalent in proportion to such part of the said increase as shall be applicable to the payment of the Debts of *England*.

The Lords Commissioners for *England* do also agree, That an Equivalent shall be answered to *Scotland* for such other parts of the *English* Debts as that Kingdom may hereafter become lyable to pay by reason of the Union.

The Lords Commissioners for *England* do propose for the further, and more effectual answering the several ends hereafter mention'd and propos'd, That from and after the Union, the whole increase of the Revenue of Customs and Excises upon Exciseable Liquors in *Scotland*, over and above what the said Revenues do now yeeld, shall go and be applyed for the Term of seven years, to the uses hereafter mentioned.

And upon the said Agreements and Proposal, The Lords Commissioners for *England* do further propose, That Her Majesty be Impowr'd

powr'd to appoint Commissioners, who shall be accomptable to the Parliament of *Great-Britain*, for disposing the said Sum of 398085 *Lib. 10.* to be granted as af resaid, and also of all other Moneys which shall arise upon the Agreements and Proposal aforesaid to the purposes following, 1. That out of the said Sum of 398085 *Lib. 10.* all the publick Debts of the Kingdom of *Scotland*, and also the Capital Stock or Fund of the *African* and *Indian* Company of *Scotland* together with the interest for the said Capital Stock, after the rate of 5 p. cent. p. *Annum* from the respective times of payment thereof shall be payed, and that immediately upon such payment of the said Capital Stock and Interest, the said Company shall be Dissolved and shall cease; Provided nevertheless that from the time of passing the Act, for raising the said Summe of 398085 *Lib. 10.* The said Company shall neither Trade nor give licence to Trade.

The Lords Commissioners for *England* do further propose, That after payment of the said publick Debts, and Refounding the said Capital Stock in manner aforesaid, the overplus of the said Sum of 398085 *Lib. 10. sh.* And also the whole improvement of the Revenue of Customs and Excises upon Exciseable Liquors (above the present value) which shall arise during the Term of seven years, from the commencement of the Union as aforesaid, together with the Equivalent which shall become due upon account of the Improvement of the Customs and Excises on Liquors in *Scotland*, after the said seven years, and all other Sums, which according to the Agreement aforesaid may become payable to *Scotland*, by way of Equivalent, for what that Kingdom shall hereafter become lyable to answer for the Debts of *England*, may be applyed in the manner following.

That out of the same what consideration shall be found necessary to be had for any Losses which privat Persons may sustain in Reducing the Coyn of *Scotland*, to the Standard of *England* (mention whereof is made in another Paper delivered by the Lords Commissioners for *Scotland* the 21st Instant) may be made good, and afterwards the same shall be wholly Employed towards encouraging and promoting the Fisherys, and such other Manufacturys and Improvements in that part of *Britain* called *Scotland*, as may most conduce to the general Good of the United Kingdom.

Adjourn'd to *Wednesday* the 26th Instant 7 in the Evening.

OBSERVATION XII.

" In making Observations on the Affair of the *African* Company, it may be necessary to state that part of the *African* Affair, as belongs to this immediate Debate.

" The *African* Company having, as has been related in the beginning of this Work, met with several Disasters and Misfortunes, in some of which, the National Interests of *England* and *Scotland*, had but too much clashed, and which had been the Occasion of a great deal of ill Blood between them, it was

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‘ absolutely necessary, in the bringing to pass an Union between
 ‘ the Kingdoms, to remove every Occasion of Discontent ; and
 ‘ particularly every Interfering Interest, being Inconsistent with a
 ‘ compleat entire Union, the Thing now aim’d at, there was
 ‘ therefore an absolute Necessity to Remove or Reconcile every
 ‘ Thing of that Nature, as far as possible, before such an Union
 ‘ could be made.

“ The *Scots* Commissioners were in the right to propose, That
 ‘ their *African* Company should be supported and defended as a
 ‘ private Right, all Rights and Privileges of Corporations and
 ‘ Companies being to be Reserved ; And this having been a
 ‘ National Concern, in which they had but made an Essay, and
 ‘ miscarrying in their first Attempt, had let it rest for a while,
 ‘ but had Various Prospects of Future Projects and Attempts ;
 ‘ It could not be equal, to oblige them to quit these Prospects,
 ‘ and their Legal Right to a Trade to the *Indies*, which was so
 ‘ Valuable in other Countries, and which might in Time Restore
 ‘ their Losses ; and therefore they proposed the Reserving to
 ‘ themselves the Charters, Rights and Privileges of their *African*
 ‘ and *Indian* Company.

“ On the other Hand, the Case of *England* made this Impracticable ; For, whereas there was already a Company Established in *England*, Formed, and, with great Difficulty United into One, from two Contending and Powerful Companies ; And that these were entirely supported, and depended upon their Exclusive Charters, by which no other Persons could Trade to the *Indies* but themselves, or, by their Permission : If this Company Established in *Scotland* had continued after the Union, the Article for a Free Intercourse of Trade between the Nations, had immediately open’d to them all the Ports of *England*, for their Ships and Goods ; And it had been, in Event, a perfect laying open the *East-India* Trade, or at least Erecting a New *East-India* Company in *Britain*, which, whoever knows the Difficulty of Uniting the last Contending Companies, and the Injury they did both their Trade in particular, and the whole Nation of *England* in general, before they could be brought together, will acknowledge, is not to be born within *Britain*.

“ This the *Scots* Commissioners foresaw, and therefore very frankly proposed the Alternative, viz. That if the Privileges of that Company shall be judg’d Inconvenient for the Trade of the Rest of the United Kingdom, that the private Rights of the said Company in *Scotland* be purchas’d from the Proprietors.

“ This was the least that could be demanded ; For, if *England* found it Impracticable to suffer, or Intolerable to their Two Companies to bear, it was but reasonable, that the Company, who was to quit its Right, should have Satisfaction for parting with that Right : And the next Question was therefore, what must this Purchase be, and who must pay it, and this was no small Point.

“ *England*

"*England* was so clear and fair in all their Offers as to the Equivalent, That the *Scots* Commissioners were, in a manner, prevented in every thing they had to ask; The Offers of a full Recompence in Money, advanc'd for all the Money which *Scotland* should be charg'd to pay towards the *English* Debts, and of applying the whole remaining Revenue of *Scotland* for the Encouraging Trade, and Employing the Poor, had in it so much Evidence of the hearty Design of the *English* Commissioners, to consider every Thing for the Good of the Community after the Union, That it could bear but little Objection: It seem'd therefore but reasonable, That the *Scots* should, at their own Charge, put themselves in Condition of Uniting, *That is*, That, if they had any National Obstruction, which was Inconsistent with the design'd Union, and without Removing which it could not be made, that then the Removing that Difficulty should ly. at their Door.

"It was this kind of Reasoning, which directed the Purchase of the private Rights of the *African* Company in *Scotland* to be made out of the Equivalent Money; And to which, after very little Debate, as you may see, both Parties agreed.

"Then the Question was, What Price should these private Rights be purchased at; And this would have met with great Difficulties, some magnifying the Prospects of their Company in Trade, as a Thing not to be Valued, and which alone was able to Enrich their Nation; Others lessening it in the most contemptible manner, as a Thing that not only had now, but never had any Prospect or Possibility of Success, as it had been managed. Of which by It self —.

"But the Method proposed appeared so fair, That it left no Room for Objection, it being a Valuation from the True Original, *viz.* That every private Adventurer should be put in the same Condition as he was in at first, supposing his Money put out to Interest —; So that every Man was to receive his full Original Capital Stock which he had at first advanced, and 5 per Cent. Interest to the Time of Payment.

"Nor can I forbear saying, That the Surprize of this Offer had Various Effects upon the People; for this Stock was a dead Weight upon a great many Families, who wanted very much the Return of so much Money: It had not only been long disburs'd, but it was, generally speaking, abandoned to Despair, and the Money given over for lost; Nay, so entirely had People given up all Hopes, That a Man might even, after this Conclusion of the Treaty, have bought the Stock at 10 Pound for an Hundred; And after all this, to find the whole Money should come in again with Interest for the Time, was a Happy Surprize to a great many Families, and took off the Edge of the Opposition, which some People would otherwise have made to the Union in general.

Wednesday the 26th June 1706.

Her Majesty came to the Meeting, and being seated in her Chair, spoke to the Lords Commissioners as follows.

My Lords,

I Am come hither once more to see what further progress you have made in this Treaty, and to press a speedy conclusion of it, in regard my Servants of *Scotland* cannot without great inconvenience be much longer absent from that Kingdom.

After which Her Majesty was pleas'd to direct, that the proceedings of the Commissioners for both Kingdoms (from the time of Her being here) should be Read, which was accordingly done by the respective Secretaries, and then Her Majesty went away.

Adjourn'd to *Friday* the 28th Instant 6 in the Evening.

Friday the 28th June 1706.

The Lord Keeper, in Name of the Lords Commissioners for *England* delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* having considered the Proposal made by the Lords Commissioners for *Scotland* the 22d Instant, touching the continuance of the Laws and Acts of Parliament now in Force in *Scotland*, for preventing Frauds in pineing, cureing and packing Fish in *Scotland*; Do agree to the same; And do likewise agree, that Fish Exported from *Scotland* to parts beyond the Seas after the Union, shall have the same Eases, Proemiums and Drawbacks, as are now allowed by the Laws of *England*, to such as Export the like Fish from *England*.

The Lord Keeper, in Name of the Lords Commissioners for *England* also delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* do agree to the further Explanation contain'd in the Paper, deliver'd by the Lords Commissioners for *Scotland* the 25th Instant, concerning Forreign built Ships belonging to Her Majesties Subjects of *Scotland*, with this Addition, That in the Oath propos'd to be made by one or more Owners of such Ship, where there are more Owners, the Names of all the Owners, and the places of their Abode shall be particularly mentioned.

The Lord Keeper, in Name of the Lords Commissioners for *England*, delivered to the Board the following Proposal, which was Read.

The Lords Commissioners for *England* being desirous that no Time be lost in perfecting this Treaty, do propose, That Four Commissioners of each part be appointed to draw up into Form the Articles or Heads of this Treaty upon the Points already agreed, or which hereafter shall be agreed, in order to be Sign'd and Seal'd by the Commissioners of both Kingdoms.

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The Lord Chancellor, in name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* having considered the Proposal delivered by the Lords Commissioners for *England* the 22^d Instant, concerning the Great Seal; Their Lordships do agree, that there shall be a Great Seal for the United Kingdom of *Great-Britain*, to be used for Sealing Writs, to Elect and Summon the Parliament of *Great-Britain*, and for Sealing all Treaties with Forreign Princes, and States, and all publick Writes and Orders of State which concern the whole United Kingdom. And the Lords Commissioners for *Scotland* do propose, That the Great Seal of the United Kingdom be different from the Great Seals now Used in either Kingdom, and that the Quartering the Arms as may best suit the Union be left to Her Majesty, and that in the mean time the Great Seal of *England* be used as the Great Seal of the United Kingdom. And the Lords Commissioners for *Scotland* do further propose as a consequence of the Reservations agreed to by the Lords Commissioners for both Kingdoms of the Laws and Customs in *Scotland*, That a Seal in *Scotland* after the Union, be always kept and made use of, in all things relating to private Rights or Grants, which have usually pass'd the Great Seal of *Scotland*, and which do only concern Offices, Grants, Commissions and private Rights within that Kingdom; and that the Privy Seal, Signet, Signet of the Justiciary Court, Quarter Seal, and other Seals of Courts now in use in *Scotland* be continued, but that the same be altered and adapted to the State of the Union as Her Majesty shall think fit, and that the said Seals, and all of them, and the Keepers of them shall be subject to such Regulations as the Parliament of *Great-Britain* shall hereafter make.

The Lords Commissioners for *Scotland* do also propose, That upon calling the first Parliament of *Great-Britain*, and until the said Parliament shall make further Provision therein, the following Method be used in summoning the Members from *Scotland*, to attend in both Houses of Parliament of *Great-Britain*, viz. That a Writ under the Great Seal of the United Kingdom be issued out for summoning the said Members, and that the said Writ be directed to such Court, Officer or Office, and to be Executed and Return'd in such manner, as in the Parliament of *Scotland* shall be settled, at, or before Ratifying the Treaty.

The Lord Chancellor did also in Name of the Lords Commissioners for *Scotland*, deliver to the Board the following Paper, which was Read.

The Paper deliver'd by the Lords Commissioners for *England* on the 25th Instant, concerning the Equivalent, do's very much contribute to the bringing this Treaty to a conclusion. And the Lords Commissioners for *Scotland* being ready to concur on their part, do agree to the same, with the following Additions and Explanations.

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I. And first, Where the said Commissioners for both Kingdoms have agreed that the Summe of 398085 *l. 10 sh.* is the Equivalent to be Answered to *Scotland*, according to the proportions, which the present Customs and Excise of *Scotland* do bear to the Customs and Excises upon Excisable Liquors in *England*; The Lords Commissioners for *Scotland* do propose, That the Accompts and Calculations which lay before the Committee, by which it do's appear, from whence the foresaid Sum do's arise be enter'd in the Journal Books of this Treaty.

And where the Lords Commissioners for both Kingdoms have also agreed that an Account be kept of the Duties in *Scotland*, arising from the Customs and Excises upon Excisable Liquors, beyond the present Estimart, To the end, It may appear what ought to be allowed to *Scotland*, as an Equivalent to such proportion of the said Encrease, according to the Calculation aforesaid, as shall be Applicable for payment of the Debts of *England*; The Lords Commissioners for *Scotland* do in like manner propose, That the Calculation of that proportion which lay before the Committee be enter'd in the Books of Journal of this Treaty.

And where, the Lords Commissioners for both Kingdoms have agreed, That upon compleating the Union, the said Summe of 398085 *l. 10 sh.* being agreed upon as the Equivalent for *Scotland*, shall be granted to Her Majesty for that use: The Lords Commissioners for *Scotland* do understand it to be the meaning of the Lords Commissioners for *England*, That the said Summe be Granted to Her Majesty in the Parliament of *England*, at or before Ratifying the Treaty, and do propose, that the Summe be due and payable from the time of Ratification of the Union in both Parliaments.

And whereas, It is agreed on both sides, That Her Majesty be Impowred to Appoint Commissioners who shall be Accomptable to the Parliament of *Great-Britain* for Disposing of the said Sum of 398085 *lib. 10 sh.* to be Granted as aforesaid, and also of all other Moneys that shall arise upon the Agreements and Proposal aforesaid, to the purposes mentioned in the said Paper delivered by the Lords Commissioners for *England* on the 25th Instant; The Lords Commissioners for *Scotland* do propose that the foresaid Commissioners be not only Impowred to call for, Receive and Dispose of the foresaid Summe to the purposes mentioned in the said Paper; But further, that the said Commissioners be Authoriz'd and Impowred to Inspect the Books of the severall Collectors of the said Revenues of Customs and Excise, and of all other Duties, from whence an Equivalent may arise, and that the Collectors and Mannagers of the said Duties and Revenues be oblig'd to give to the said Commissioners Subscrib'd Authentick Abbreviats of the produce of the severall Revenues and Duties arising in their respective Districts on Account, where an Equivalent may become due to *Scotland*; which Commissioners shall be oblig'd to keep Books, containing Accompts of the Ammount of the Equivalent, and how the same shall be Disposed of from time to time; Which Books shall be Patent for Inspection to all the Subjects
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in *Scotland*; And that the said Commissioners have their Office within the limits of the said Kingdom of *Scotland*.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, delivered to the Board the following Proposal, which was Read.

The Lords Commissioners for *Scotland* do propose, for removing of National Distinctions between the Two Kingdoms after the Union, That the Crosses of St. *Andrew* and St. *George* be conjoyn'd when Used in Flaggs, Banners, Standards and Ensigns, both at Sea and Land.

The Lords Commissioners for *Scotland* withdrew, and being Return'd, The Lord Chancellor, in their Lordships Names, deliver'd to the Board the following Answer to the Proposal delivered by the Lords Commissioners for *England* at this Meeting, which was Read.

The Lords Commissioners for *Scotland* do agree, That Four Commissioners of each part be Appointed to draw up into Form the Articles or Heads of this Treaty, and have Nam'd for their part,

The Lord President of Session.

Lord Justice Clerk.

Sir *Alexander Ogilvie*, one of the Senators of the College of Justice.

Sir *David Dalrymple*.

The Lord Keeper, in Name of the Lords Commissioners for *England*, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* do Nominate on their part, to be of the Committee agreed to be Appointed for drawing into Form the Treaty of Union, between the Two Kingdoms, the Persons following,

Attorney General.

Solicitor General.

Sir *John Cook*:

Doctor *Waller*.

Agreed that the abovenamed Committee, consisting of Four of each Commission Meet the Morrow Morning at Ten a Clock; and that they have Power to Adjourn themselves.

Adjourn'd to Monday the 1st July at 6 in the Evening.

Monday, the 1st of July, 1706.

The Lord Keeper, in Name of the Lords Commissioners for *England*, Delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* having considered the Answer delivered by the Lords Commissioners for *Scotland* the 21st June last, to the Proposal made by the Lords Commissioners for *England* the 19th of the same Month, concerning the Coyn, Weights, and Measures to be used thro-out the United Kingdom; The Lords Commissioners for *England* do agree to the Provisions contain'd in the said Answer, with this Addition, that the Weights and Measures for *Scotland*,

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land, to be kept in the Burroughs of *Scotland*, to whom the Keeping of the same do's now belong, be sent down to the Respective Burroughs, from the Standard kept in the Exchequer at *Westminster*, and that a Mint be continued in *Scotland*, under the same Rules as the Mint in *England*, subject to such Regulations as the Parliament of *Great-Britain* shall think fit.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* having, on the 25th *June* last, deliver'd a further Explanation of their Proposal delivered the 22^d *June*, concerning Ships belonging to Her Majesties Subjects of *Scotland*, and the Lords Commissioners for *England* having agreed to the said Explanation in their Lordships Paper deliver'd 29th *June*, with an Addition thereto; The Lords Commissioners for *Scotland* do now agree to the said Addition.

Adjourn'd to Wednesday 3^d Instant at 11 a Clock.

Wednesday the 3^d July. 1706.

The Lord Treasurer, in Name of the Lords Commissioners for *England*, Delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* have considered the Paper, delivered by the Lords Commissioners for *Scotland* the 28th *June* last; And as to the first Proposal therein-contained, *viz.* That the Great Seal of the United Kingdom, be Different from the Great Seal used in either Kingdom, and that the Quartering of the Arms, as may best suit the Union, be left to Her Majesty; And that, in the mean time, the Great Seal of *England* be used as the Great Seal of the United Kingdom; The Lords Commissioners for *England* do agree to the same.

And as to the second Proposal, the Lords Commissioners for *England* do agree, That a Seal shall, after the Union, be always kept in *Scotland* for the Uses and Purposes therein-contain'd; And that the Privy-Seal, Signet, and the other Seals therein-mention'd, and now used in *Scotland*, be continued the same, to be altered and adapted to the State of the Union, as Her Majesty shall think fit; and that the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations as the Parliament of *Great-Britain* shall hereafter make.

And instead of the last Proposal, the Lords Commissioners for *England* do propose, That, upon calling the first Parliament of *Great-Britain*, and until the said Parliament shall make further Provision therein, the following Method be used;

That a Writ do Issue under the Great-Seal of the United Kingdom of *Great Britain*, directed to the Privy Council of that Part of the United Kingdom, now called *Scotland*, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summon'd
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to Parliament, and Forty five Members to be Elected to sit in the House of Commons, of the Parliament of the United Kingdom of *Great-Britain*, according to the Agreements between the two Kingdoms in this Treaty, in such manner as, in the Parliament of *Scotland*, shall be settled, at, or before Ratifying the Treaty; and that the Names of the Persons so Summoned, and Elected, shall be return'd by the Privy Council of *Scotland*, into the Court from whence the said Writ did Issue.

The Lord Treasurer did also, in Name of the Lords Commissioners for *England*, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for *England* having considered the Proposal contain'd in the Paper, deliver'd by the Lords Commissioners for *Scotland* the 28th June last, in Answer to the several Matters, relating to the Equivalent mention'd in the Paper, delivered by the Lords Commissioners for *England* on the 25th of the same Moneth, Do agree to the Proposal therein made, concerning the Accounts and Calculations, from whence the Equivalent did arise, being enter'd into the Journal Books of this Treaty.

And the Lords Commissioners for *England* do likewise agree to the Proposal contain'd in the same Paper, concerning the Calculation of the Proportion of the Increase of Duties arising from Customs and Excises beyond the present Estimate, being enter'd in the Journal Book of this Treaty.

And the Lords Commissioners for *England* do also agree to the Proposal in the same Paper, That the Summe of 290000 *lib. 10 shill.* agreed upon to be the Equivalent for *Scotland*, shall be granted to Her Majesty in the Parliament of *England*, at or before Ratifying the Treaty, and that the same be due and payable from the time of Ratification of the Union in both Parliaments.

And the Lords Commissioners for *England* do also agree to what is further propos'd therein by the Lords Commissioners for *Scotland*, concerning the Powers to be given to the Commissioners for disposing of the Equivalent, and the Books and Office to be kept by the said Commissioners.

The Lord Treasurer did likewise, in Name of the Lords Commissioners for *England*, deliver to the Board the following Paper, which was Read.

The Lords Commissioners for *England* have considered the Proposal made by the Lords Commissioners for *Scotland* the 28th June last, for removing National Distinctions, and do agree, That the Crosses of *St. George* and *St. Andrew* be conjoyn'd, when used in Flags, Banners, Standards and Ensigns, both at Sea and Land, with this Addition;

That the manner of conjoyning the said Crosses be left to Her Majesty, and that the Ensigns Armorial of the United Kingdom be such as Her Majesty shall appoint.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* do agree to the Additions contain'd in the Paper delivered by the Lords Commissioners for *England* the 1st. Instant, concerning the Mint, Weights and Measures.

Adjourn'd to Thursday the 4th Instant, at 6 in the Evening.

Thursday the 4th July, 1706.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, deliver'd to the Board the following Paper, which was Read.

The Lords Commissioners for *England*, in their Paper of the 3^d Instant, having agreed to the Proposal made by the Lords Commissioners for *Scotland* the 28th *June* last, concerning the Seals, and having, in the said Paper, propos'd a Method to be used in Calling the first Parliament of *Great-Britain*; The Lords Commissioners for *Scotland* do agree to the said Proposal.

The Lord Chancellor also, in Name of the Lords Commissioners for *Scotland*, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* having agreed to the Proposal made by the Lords Commissioners for *Scotland* the 28th Day of *June* last, concerning the conjoyning the Crosses of *St. Andrew* and *St. George*, with an Addition, *viz.* That the manner of conjoyning the said Crosses be left to Her Majesty, and that the Ensigns Armorial of the United Kingdom be such as Her Majesty shall appoint.

The Lords Commissioners for *Scotland* do agree to the said Addition.

The Lords Commissioners of both Kingdoms did agree, to revive the Committee of Eleven of each side, nominated the 1st of *May* last; and that they meet the Morrow Morning, in order to the directing the Papers and Calculations touching the Equivalent, to be enter'd in the Journal-Books of the Treaty.

Adjourn'd to Saturday the 6 Instant at 12 a Clock.

Saturday, the 6th. July 1706.

The Earl of *Pembroke* President of the Council, in Name of the Lords Commissioners for *England*, delivered to the Board the following Paper, which was Read.

The Lords Commissioners who are on the part of *England* of the Committee of Lords of both Kingdoms, nominated the first of *May* last, to consider Matters to them referr'd, having Reported to us the Lords Commissioners for *England*, That the said Committee had referred to Six Persons the Stating, in what Proportion the present Customs of *Scotland* as now lett, do bear to the several Branches of that Revenue in *England*, and also in what proportion the present Excise upon Liquors in *Scotland*, as now lett, do bear to the several Branches of that Revenue in *England*, in order to the
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stating of the Equivalent, that would become due to *Scotland*, for so much of the said two Revenues as should be apply'd towards the payment of the Debts of *England*, which was accordingly done as in N^o 1. And that the said Six Persons had also by their Lordships directions prepared a Calculation, what so much of the said two Revenues of *Scotland*, as should be applyed towards payment of the Debts of *England*, would produce of ready Money as in N^o 2. The said six Persons had also calculated, that in case the said two Revenues should encrease (above what they are now Let for) 1000 *Lib.* on the Customs, and 1000 *Lib.* on the Excise, how much thereof would contribute towards the payment of the Debts of *England*, and for which *Scotland* is to have an Equivalent, as in N^o 3. All which Papers their Lordships having now laid before us; We the Lords Commissioners for *England* do agree to the same, and that all the said Papers be enter'd by the respective Secretaries in the Journals of this Treaty.

Adjourn'd to Tuesday the 9th Instant 5 in the Evening.

OBSERVATION XIII.

"I might make Observations here upon the manner of stating the Equivalent; for in a Matter of that Moment it is not to be doubted but there were various Judgments past; Projects founded, and Proposals made on every side, for the bringing this difficult Thing to bear, in which every body spoke according to their several Judgments, and as I noted before, every Man supposed this such an insuperable Difficulty, that it would never have been mastered in the Treaty, and therefore various Schemes were made.

"The main Difficulty, as I have hinted already, was the Proposal it self of an Equivalent, and indeed without this it had been impossible to bring this Union to a Conclusion; Nor was the way ever seen clear towards a Union till the project of an Equivalent was thought of; The Manner of it therefore might consequently be supposed to introduce equal Difficulty, some proposed it in an Annual payment of Interest to *Scotland* of *lib.* 200000 per Annum, or 600000 *lib.* in Money, to be stated at 5 *lib.* per Cent.

"But the People that made these Proposals, built upon the Supposition, of the *Scots* Revenues paying a far greater share of the *English* Debt, than upon a further search into the several Articles, appeared probable; and at best built upon imaginary Encreases on one side, and imaginary Expences on the other, as will appear by the following Schemes of the improved Taxes of *Scotland* after the Union.

Of the Last T R E A T Y,

An Estimate of what the Revenue of Scotland may produce after the Union, when upon the Foot of the English Taxes.

Customs	70000.
Excise	40000.
Malt and Salt Taxes	40000.
Crown Lands	6000.
Stamp Paper, &c.	10000.
Land Tax	50000.
	216000 l. p. An.

"I should not Record this Imaginary and Erroneous Scheme, but to illustrate and shew the Necessity and Original of the True; perhaps the Author of this Scheme had as near a View as any body at that time of Day could come at.

"But when the Commissioners on both sides came to Form themselves into a Committee to state this so, as that neither Kingdom might object, they found themselves under a Necessity of keeping a *Medium* between two dangerous Extremes, That the *Scots* on one Hand might not plead a Disparity of Allowance, and consequently deny its being an Equivalent, which would overthrow the Foundation; And the *English* might not complain they were wrong'd in the Calculation, and paid more for the Proportion than it was worth.

"To bring this therefore to a Head, they went back to the Principles, which was an infallible Rule to Judge by, and taking the Customs and Excises of *Scotland*, which were the only Taxes which Could be appropriated to the payment of *English* Debts, and stating them at the present produce as they were then Farmed out, they advance to the *Scots* as much Money as the annual Produce of those Sums appropriated as above comes to—. This was capable of a most exact Calculation to the least Fraction, and was exactly cast up as in the Tables annexed to the Minutes, which I have also Printed, that Posterity may see how exactly this Matter was carry'd between both, and may for ever be satisfied with the Justice which was done them in either Nation.

"The Calculation being made exactly for the present Revenue of *Scotland*; It was not for the Commissioners to attempt a real Advance upon imaginary Encreases, which might or might not come to pass, as Trade might or might not be Enlarged by the *Union*. But to remove all possible Objections, they first State how much shall be appropriate to the payment of the *English* Debts, upon every Thousand Pound that any of the Revenues of *Scotland* shall thereafter advance, and then appointing an exact Account to be kept of such Advance; Agree, that *Scotland* shall be Re-imburshed by way of Equivalent, as much as shall be paid out of such advanced Revenues, and that Commissioners be

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appointed both to see the Calculations made and Accompts kept, and also to pay the said Equivalent as it becomes due.

"This was so clear, so just, and so unexception'd a Method, that it could admit of no Dispute, and brought the most intricate part of the whole Treaty to a happy conclusion.

"The Question about the manner of payment was now all that remained, and the Proposal for an *Annual* Interest found no room; for this had been but the same thing with letting the Revenues of *Scotland* pay themselves as it came in; Nor could it enable *Scotland* to answer the Incumbrances which were then upon her, and which it behoved her to clear her self of to make way for the Union, such as the paying of, or purchasing the Capital Stock of the *African* Company, &c. making good the deficiency of the Coin, paying the publick Debts, &c.

"To solve this, the Calculation being made, they proposed to Estimate the Value of the Proportions which *Scotland* would so pay of the *English* Debts, and reduce them to a Rate in present Money, according to the common Estimates then current for advanced payment to the Government; and that then *England* should pay the full Sum down in ready Money, the payment to become due upon the signing the Union.

"This was thought not only Just, but Advantageous to *Scotland*, and indeed Necessary to her, to supply the Stagnation which might be upon the current Cash of that Kingdom on the Alteration of the Coyn, and to cause Money to circulate among them, which was then much wanted.

"This part of the Calculation I have therefore caused to be Printed here as it stands in the Books of the Commissioners, to clear up the Particulars, and to convince the nicest Objectors with what Exactness and equal proportion every part of this Transaction was carried on.

An Account of the Value of the Annual Summs contributed out of the Customs of Scotland, (according to the present Produce thereof) towards the anticipated Funds of the Customs of England, viz.

L. 2605 per Annum from the 25th March 1707, }
until the 24th June 1710, estimated in present } 7577
Money.

L. 15798 per Annum from 25th March 1707, to }
the first of August 1710, estimated at } 47506

L. 3578 per Annum from 25th March 1707, to }
the 30th September 1710, estimated at } 11251

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L. 1780 *per Annum* from the 25th March 1707,
for 98 years, Commencing the 8th. of March
1708, at the Rate of fifteen years and three
Months purchase, comes to } 27145

L. 23761 *per Annum* from the Customs.

L. 93479.

*A Computation of the Value of the Annual Sums contributed out of the
Scotch Excise (estimated at 33500 Lib. per Annum) towards the
anticipated Excise Funds in England, viz:*

6802 Lib *per Annum* out of the Excise in Scot
land towards payment of Annuities for 99
Years, which are charg'd on the 3700 lib. a
Week arising out of the Hereditary and Tem-
porary Excise in England, at 15 Years three
Months Purchase, comes to } 103730 : 10

4682 Lib. *per Annum* contributed out of the
Excise in Scotland, towards payment of An-
nuities, amounting to 132433 lib. *per Annum*
charg'd on ix d. *per* Barrel Excise in England,
whereof 124866 lib. *per Annum* is for the
Remainder of a Term of 99 Years, commenc-
ing 25th. January 1692, and 7567 lib. *per*
Annum for Lives, with the Advantage of
Survivorship; So that 4415 lib. of the 4682
lib. *per Annum*, will be for the Remainder of
the said Term of 99 Years, and 267 lib.
thereof for Lives, with the Advantage of
Survivorship; and so much thereof as is for
the Remainder of a Term of 99 Years, being
Rated at 15 Years and 3 Months Purchase,
comes to 67328 lib. 15 sh. and the Remain-
der being deem'd of equal Value with a Term
of 30 Years, comes to 3675 lib. in the whole. } 71003 : 15

4860 Lib. *per Annum* contributed out of the
Excise in Scotland, towards payment of
137460 l. *per Ann.* charg'd on another 9 d.
per Barrel Excise in England, part in Perpe-
tuity, part for 99 Years, part for 3 Lives, and
part for 2 Lives, whereof 3536 l. of the said
4860 l. *per Ann.* will be in Perpetuity, 542 l.
for 99 Years, 74 l. for 3 Lives, and 708 lib.
for 2 Lives, so much as is in Perpetuity & for
99 Years being Rated at 15 Years and 3
Months Purchase, so much as is for 3 Lives
being Rated at 12 Years Purchase, and so
much as is for 2 Lives at 11 Years Purchase,
amount in the whole at those Rates to } 70865 : 10

3699 Lib.

3699 Lib. per Annum contributed out of the Excise in Scotland, for payment of Annuities charged on another ix d. per Barrel Excise in England for 99 Years, at 15 Years and three Months Purchase, comes to	}	56409 : 15
893 Lib. per Annum contributed out of the Excise in Scotland for 3 Years and 3 Moneths, commencing 25th. March 1707, applicable as the Duty on Low Wines in England for that time, is computed to be worth		

Lib. 304606 . 10

From the Customs 93479

Total Sum being the same as the Equivalent - 398085 : 10

From this Calculation it also appears, That,

Every 1000 L. Increase on the Excise will pay towards the

Debts of England Lib. 625

Disso On the Customs 792

Tuesday the 9th July 1706.

The Lords Commissioners of both Kingdoms agreed to Revive the Committee of Eight, who were Nominat to draw up the Heads of the Treaty in Form, and that they Meet the Morrow Morning.

Adjourn'd to Thursday the 11 Instant at 11 a Clock Forenoon.

Thursday the 11th July, 1706.

The Lord Keeper, in Name of the Lords Commissioners for England, delivered to the Board the following Proposals, which were Read.

The Lords Commissioners for England do propose, That the Union of both Kingdoms shall take place upon the first day of May 1707, and their Lordships do also propose, That, if Her Majesty, on, or before the said first day of May, shall Declare under the Great-Seal of England, That it is expedien, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the Respective Houses of the first Parliament of Great-Britain, for and on the part of England; Then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the Respective Houses of the First Parliament of Great-Britain; And Her Majesty may, by Her Royal Proclamation, under the Great-Seal of Great-Britain, appoint the said first Parliament of Great-Britain, to meet at such time and place as Her Majesty shall think fit, which time

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shall not be less than Forty two days after the date of such Proclamation; and the time and place of the Meeting of such Parliament being so appointed, A Writ shall be immediately Issued under the Great-Seal of *Great-Britain*, directed to the Privy Council of *Scotland*, for the Summoning the Sixteen Peers, and for Electing Forty five Members, by whom *Scotland* is to be Represented in the Parliament of *Great-Britain*; And the Lords of Parliament of *England*, and the Sixteen Peers of *Scotland*, such Sixteen Peers being Summon'd and Return'd in the manner agreed in this Treaty; And the Members of the House of Commons of the said Parliament of *England*, and the Forty five Members for *Scotland*, such Forty five Members, being Elect'd and Return'd in the manner agreed in this Treaty, shall Assemble and Meet Respectively in the Respective Houses of the Parliament of *Great-Britain*, at such time and place as shall be so appointed by Her Majesty, and shall be the Two Houses of the first Parliament of *Great-Britain*; And that Parliament may continue for such time only, as the present Parliament of *England* might have continued, if the Union of the two Kingdoms had not been made, unless sooner Dissolv'd by Her Majesty.

And the Lords Commissioners for *England* do likewise propose,

That every one of the said Sixteen Peers of *Scotland*, and every one of the said Forty five Members for *Scotland* shall, before they Sit or Vote in the Respective Houses of Parliament of *Great-Britain*, take the Respective Oaths; and Subscribe the Declaration in the same manner, as the Lords and Members of both Houses of Parliament in *England* are oblig'd to take and Subscribe, by virtue of any Act or Acts of Parliament now in Force in *England*, upon the Penalties therein-contain'd.

Adjourn'd to Saturday the 13th Instant 11 a Clock Forenoon.

Saturday the 13th July 1706.

The Lord Chancellor, in Name of the Lords Commissioners for *Scotland*, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *Scotland* do agree to the Paper delivered by the Lords Commissioners for *England* the 11th Instant, with this Alteration to the first part of the said Paper, That whereas the said Commissioners for *England* do propose, that the first Parliament of *Great-Britain* be appointed to meet at such Time and Place as Her Majesty shall think fit, which time shall not be less than Forty two days, after the date of such Proclamation, as in the said Proposal is mentioned; The Lords Commissioners for *Scotland* do propose, That the time for meeting of the said Parliament, shall not be less than Fifty days after the date of such Proclamation; And as to the second part of the said Proposal, The Lords Commissioners for *Scotland* do agree to the same in the Terms following, That every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliament of

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Great-Britain, in the first, and all Succeeding Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherwise direct, shall, before they Sit or Vote in the Respective Houses of the Parliament of *Great-Britain*, take the Respective Oaths appointed to be taken in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in *England*, in the first Year of the Reign of the late King *William* and Queen *Mary*, Intituled, *An Act for the Abrogating of the Oaths of Allegiance and Supremacy, and Appointing other Oaths*, and Make, Subscribe, and Audibly Repeat the Declaration mentioned in an Act of Parliament made in *England* in the 30th Year of the Reign of King *Charles* the Second, Intituled, *An Act for the more Effectual Preserving the Kings Person and Government, by disabling Papists from Sitting in either House of Parliament*; And shall take and Subscribe the Oath mentioned in an Act of Parliament made in *England*, in the first Year of Her Majesties Reign, Intituled, *An Act to Declare the Alterations in the Oath appointed to be taken by the Act*, Intituled, *An Act for the further Security of His Majesties Person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their Open and Secret Abettors, and for Declaring the Association to be Determined*, upon the Penalty and Disabilities in the said Respective Acts contain'd; And the Lords Commissioners for *Scotland* do further propose, That these Words, **THE CROWN OF THIS REALM**, and the **QUEEN OF THIS REALM**, mentioned in the Oaths and Declaration contained in the foresaid Acts, which were intended to signify the Crown and Realm of *England*, may be understood of the Crown and Realm of *Great-Britain*, United by the Acts of the Respects Parliaments Ratifying this Treaty, and that the Oaths and Declaration be taken and subscrib'd by the Members of both Houses of the Parliament of *Great-Britain* in that Sense.

The Lords Commissioners for *England* withdrew, and being return'd, the Lord Keeper, in their Lordships Names, delivered to the Board the following Paper, which was Read.

The Lords Commissioners for *England* having considered the Paper delivered at this Meeting by the Lords Commissioners for *Scotland*, do agree to the several Matters therein propos'd.

Adjourn'd to Tuesday 16 Instant at 11 a Clock Forenoon.

OBSERVATION XIV.

“ The Affair of the *African* Company and the Equivalent being thus settled, there was nothing now before them, but things of small Moment, and easily adjust'd, such as the Quartering of the Arms, Uniting the Crosses, and Settling the Banners, Ensigns and Trophies of the United Kingdoms, Regulating Weights and Measures, the Methods of Calling and Regulating the Parliament, and the Summoning the Members, and the like; In all which, the Commissioners on both sides had little

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• more to do, than to Propose and Agree, so all things proceed-
 • ed Smoothly and Easily; And the Articles, being finished, were,
 • with all possible Speed, Engrossed, Signed, and Presented to
 • the Queen, in manner, as *per* the Minute, the Treaty having
 • continued from the 16th of April to the 23d of July inclu-
 • sive, being so happily Finished, as gave an Universal Satisfac-
 • tion to all the Kingdom, and at first, to all Appearance, was
 • received with equal Joy in either part of the Island.

Tuesday the 16th July 1706.

The Draught of the Articles of Union was Read by the respective Secretaries, and the Lords Commissioners of both Kingdoms Ordered the same to be Ingrossed against the next Meeting.

Adjourn'd to Munday 22d Instant at 5 in the Evening.

Munday the 22d July 1706.

The Lords Commissioners for both Kingdoms Signed and Sealed the Instruments or Writings, containing the Articles of Union, conform to their respective Commissions.

Ordered, That the respective Secretaries of each Commission do Sign each others Journals of the Proceedings.

Ordered, That the respective Secretaries, after signing their Journals, enter in the Journals, the Articles of the Treaty of Union.

Adjourn'd to Tuesday the 23 July 1706 at 12 a Clock.

Tuesday the 23 July, 1706.

The Lords Commissioners for both Kingdoms went from the Cock-pit to Attend the Queen at St. James's, where the Lord Keeper, in Name of the Lords Commissioners for *England*, made the following Speech, and presented to Her Majesty one of the Sign'd and Seal'd Instruments or Writings, containing the Articles of Union on the part of *England*.

May it please Your Majesty,

WE the Commissioners Appointed by Your Majesty, in pursu-
 • ance of the Act of Parliament pass'd in Your Kingdom of
England, to Treat concerning an Union of the Two Kingdoms, with
 the Commissioners for *Scotland*, do (according to our Duty) Hum-
 bly beg Leave to present to Your Majesty these the Effects of our
 Continued and Faithful Endeavours towards that End.

They are the Articles agreed upon between Your Commissioners of both Kingdoms, as the Terms or Conditions, upon which the intended Union is to take place, if Your Majesty, and the Parliaments of both Kingdoms shall think fit to Approve and Confirm the same.

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In these we have come to an Agreement on every point, we Judg'd Necessary to Effect a compleat and lasting Union, and we have Endeavour'd not to stir into any Matter we had Reason to think was not so.

And altho' we have Unanimously carried this Treaty thus far, purely from a Conviction, that we have done therein to GOD, Your Majesty, and our Countries Good Service; Yet we are far from thinking, that what we have done will or ought to be of any Weight or Authority elsewhere; but do most entirely submit these our Labours to the High Wisdom of Your Majesty, and both Your Parliaments, to stand or fall by the Reason, Justice, and publick Utility on which they are founded.

Your MAJESTIES Royal Presence and Seasonable Admonitions to us at the fittest Junctures were (we most Thankfully Acknowledge) a very great Encouragement and Assistance to us in the Difficulties we met with.

Your Majesties Glory is already perfect, and the finishing this Work is all that is wanting to compleat as well as secure the Happiness of so great a People, as Your Subjects may now without any arrogance pretend to be.

May Your Majesty Live not only to give a Sanction of this Universal Blessing to all Your People, but also to see in a long and prosperous Reign over us the many Immediat (or near) Good Effects of it; But as for that great and main Consequence of it, for which Your Majesty is making by a most Gracious and Charitable Foresight, this only Effectual Provision, I mean the continuance of Peace and Tranquility in this Island, upon a descent of the Crown instead of that Blood shed and Distraction which would probably follow upon the fatal Division of it.

May we be so happy, as never in our days, to Experiment the fitness of these Measures your Majesty is now taking for that end? But may late, very late Posterity only in that respect reap the Advantage of them.

The Lord Chancellor of *Scotland* in Name of the Lords Commissioners for *Scotland*, made the following Speech, and presented to Her Majesty one of the Sign'd and Seal'd Instruments or Writings, containing the Articles of Union on the part of *Scotland*.

May it please Your Majesty;

THE Commissioners appointed by Your Majesty for the Kingdom of *Scotland*, to Treat of an Union of Your two Kingdoms of *Scotland* and *England*, have Commanded me to return Your Majesty their most humble and dutyful Acknowledgments, for the Honour Your Majesty has Conferr'd on them, in Employing them to Negotiate this most important Affair, which is of the greatest Consequence to all Your Majesties Subjects.

We have endeavour'd to discharge this Trust with all Fidelity, and are now come humbly to lay before Your Majesty, the Articles and Conditions of Union which we have Treated of, and agreed upon,

upon, and do submit them to Your Majesties Royal Consideration.

It is a great satisfaction to us, that what we have concluded in this Matter, has been done with Unanimity; and we must own, that the knowledge we had of Your Majesties great Concern for Uniting Your two Kingdoms, and the Earnestness with which Your Majesty has been most Graciously pleased to Recommend it, hath enabled us to bring this Treaty to a happy and speedy Conclusion, to the mutual Satisfaction of the Commissioners on both sides; and we shall esteem it our greatest Happiness, if what we have prepared be acceptable to Your Majesty, and Ratified by the Parliaments of both Kingdoms, without which, what we have done can be of no Authority.

An Union of the two Kingdoms has been long wish'd for, it being so necessary for Establishing the lasting Peace, Happiness and Prosperity of both Nations; And tho it has been frequently Endeavoured by Your Majesties Royal Predecessors without the desir'd Success; Yet the Glorious Successes, with which GOD has Bless'd Your Majesties Endeavours for the Happiness of Your People, make us Hope that this Great Work is Reserv'd to be accomplished in Your Majesties Reign.

After which, Her Majesty was Graciously pleased to make the following Speech.

My Lords,

I Give you many Thanks for the great Pains you have taken in this Treaty, and am very well pleas'd to find your Endeavours and Applications have brought it to so Good a Conclusion. The Particulars of it seem so Reasonable, That I hope they will meet with Approbation in the Parliaments of both Kingdoms. I wish therefore, That my Servants of *Scotland* may lose no time in going down to propose it to my Subjects of that Kingdom; And I shall always look upon it as a particular Happiness, if this Union (which will be so great a Security, and Advantage to both Kingdoms) can be Accomplish'd in my Reign.

OBSERVATION XV.

"And thus this mighty Affair was brought to a Conclusion.

"What Difficultys it met with afterwards, how it became the Aversion of those very People, who, it was generally thought, it had been particularly Furnished to preserve, what Opposition it met with, with what Difficulty Finished, and how hardly supported when carried thro', especially in *Scotland*, shall be the Subject of the ensuing part of this Work.

"As to the State of the Debts and Revenue of either Nation, from whence the several Calculations were made, and the State of the Equivalent Formed, they are Printed from the Originals, and added in the Appendix to this Work:

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Here follow the

ARTICLES of UNION

As they were Treated on and Agreed to at *London*, to which the Minuts afore said with the Observations refer.

Agreed on the Twenty second day of July, in the fifth Year of the Reign of Her Most Excellent Majesty, ANNE by the Grace of GOD, Queen of Scotland, England, France and Ireland, Defender of the Faith, &c. and in the Year of Our LORD One thousand seven hundred and six, by the Commissioners nominated on behalf of the Kingdom of Scotland, bearing Date the twenty seventh day of February last past; In pursuance of the Fourth Act of the Third Session of Her Majesties Current Parliament of Scotland, in the Fourth Year of Her Majesties Reign; And the Commissioners Nominated on the behalf of the Kingdom of England, under Her Majesties Great-Seal of England, bearing Date at Westminster the Tenth day of April last past; In pursuance of an Act of Parliament made in England the third Year of Her Majesties Reign, to Treat of, and concerning an UNION of the said Kingdoms: Which Articles are in all Humility to be presented to the Queens most Excellent Majesty, and offered to the Consideration of the respective Parliaments of both Kingdoms, pursuant to the said Acts and Commissions.

I. **T**HAT the two Kingdoms of Scotland and England, shall upon the first Day of May next ensuing the Date hereof, and for ever after, be united into one Kingdom, by the Name of GREAT-BRITAIN; And that the Ensigns Armorial of the said united Kingdom be such as Her Majesty shall Appoint, and the Crosses of St. Andrew and St. George be conjoyned in such manner as Her Majesty shall think fit, and used in all Flags, Banners, Standards, and Ensigns, both at Sea and Land.

II. **T**HAT the Succession to the Monarchy of the United Kingdom of Great-Britain, and of the Dominions thereunto belonging, after Her most Sacred Majesty, and in default of Issue of Her Majesty, Be, Remain and Continue to the most Excellent Princess Sophia, Electress and Dutches Dowager of Hannover, and the Heirs of Her Body, being Protestants, upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth Year of the

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Reign of his late Majesty King *William* the Third, Entituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*: And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to Inherit, Possess, or Enjoy the Imperial Crown of *Great-Britain*, and the Dominions thereunto belonging, or any part thereof; And in every such Case, the Crown and Government shall from time to time descend to, and be enjoyed by such Person being a *Protestant*, as should have inherited and enjoyed the same, in case such Papist or Person marrying a Papist was naturally Dead, according to the Provision for the Descent of the Crown of *England*, made by another Act of Parliament in *England*, in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, Entituled, *An Act Declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*.

III. THAT the United Kingdom of *Great-Britain* be represented by one and the same Parliament, to be Stiled the Parliament of *Great-Britain*.

IV. THAT all the Subjects of the United Kingdom of *Great-Britain* shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging; And that there be a Communication of all other Rights, Privileges and Advantages, which do, or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

V. THAT all Ships belonging to Her Majesties Subjects of *Scotland*, at the time of signing this Treaty for the Union of the two Kingdoms, the Forreign built shall be deem'd, and pass as Ships of the Built of *Great-Britain*, the Owner, or where there are more Owners, one or more of the Owners, within Twelve Moneths after the Union, making Oath, That, at the time of signing the said Treaty, the same did belong to him or them, or to some other Subject or Subjects of *Scotland*, to be particularly Named, with the places of their respective Abodes, and that the same doth then belong to him or them, and that no Forreigner directly, or indirectly, hath any Share, Part or Interest therein: Which Oath shall be made before the chief Officer or Officers of the Customs in the Port next to the Abode of the said Owner or Owners; And the said Officer, or Officers, shall be Impowered to Administer the said Oath; And the Oath being so Administred, shall be attested by the Officer or Officers, who Administred the same; And being Registrat by the said Officer, or Officers, shall be delivered to the Master of the Ship, for security of her Navigation, and a Duplicat thereof shall be Transmitted by the said Officer, or Officers, to the chief Officer, or Officers, of the Customs in the Port of *Edinburgh*, to be there entered in a Register, and from thence to be sent to the Port of *London*, to be there entered in the General Register of all Trading Ships belonging to *Great-Britain*.

VI.

VI. THAT all parts of the United Kingdom for ever, from and after the Union, shall have the same Allowances and Encouragements, and be under the same Prohibitions, Restrictions, and Regulations of Trade, and lyable to the same Customs and Duties on Import and Export: And that the Allowances, Encouragements, Prohibitions, Restrictions and Regulations of Trade, and the Customs and Duties on Import and Export settled in *England*, when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom.

VII. THAT all Parts of the United Kingdom be for ever, from and after the Union, lyable to the same Excises upon all Exciseable Liquors: And that the Excise settled in *England* on such Liquors, when the Union commences, take place throughout the whole United Kingdom.

VIII. THAT, from and after the Union, all Forreign Salt which shall be imported into *Scotland*, shall be charged, at the Importation there, with the same Duties as the like Salt is now charged with, being imported into *England*, and to be levyed and secured in the same manner: But *Scotland* shall, for the space of Seven Years from the said Union, be exempted from the paying in *Scotland* for Salt made there, the Duty or Excise now payable for Salt made in *England*: But, from the Expiration of the said Seven Years, shall be subject and lyable to the same Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England*, to be levyed and secured in the same manner, and with the like Draw-backs and Allowances as in *England*. And during the said Seven Years, there shall be payed in *England* for all Salt made in *Scotland*, and imported from thence into *England*, the same Duties upon the Importation, as shall be payable for Salt made in *England*, to be levyed and secured in the same manner as the Duties on Forreign Salt are, to be levyed and secured in *England*: And that, during the said Seven Years, no Salt whatsoever be brought from *Scotland* to *England* by Land in any manner, under the Penalty of Forfeiting the Salt, and the Cattle and Carriages made use of in bringing the same, and paying Twenty Shillings for every Bushel of such Salt, and proportionably for a greater or lesser Quantity, for which the Carrier, as well as the Owner, shall be lyable joynly and severally; And the Persons bringing, or carrying the same, to be Imprisoned by any one Justice of the Peace by the space of six Moneths without Baill, and until the Penalty be payed; And that, during the said Seven Years, all Salted Flesh, or Fish, Exported from *Scotland* to *England*, or made use of for Victualling of Ships in *Scotland*, and all Flesh put on Board in *Scotland*, to be Exported to Parts beyond the Seas, which shall be Salted with *Scots* Salt, or any Mixture therewith, shall be Forfeited, and may be Seized; And that, from and after the Union, the Laws and Acts of Parliament in *Scotland*, for Pining, Curing, and Packing of Herrings, White Fish, and Salmond for Exportation, with Forreign Salt only, and for preventing of Frauds in Curing and Packing of Fish, be continued in Force in

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Scotland, subject to such Alterations as shall be made by the Parliament of *Great-Britain*; And that all Fish Exported from *Scotland* to Parts beyond the Seas, which shall be Cured with Foreign Salt only, shall have the same Eases, Præmiums and Draw-backs, as are, or shall be allowed to such Persons as Export the like Fish from *England*: And if any Matters of Fraud relating to the said Duties on Salt, shall hereafter appear, which are not sufficiently provided against by this Article, the same shall be subject to such further Provisions, as shall be thought fit by the Parliament of *Great-Britain*.

IX. THAT, whenever the Summe of One Million nine hundred ninety seven thousand, seven hundred and sixty three Pounds, eight shilling and four pence half-penny, shall be Enacted by the Parliament of *Great-Britain*, to be raised in that part of the United Kingdom, now called *England*, on Land and other things usually charged in Acts of Parliament there, for granting an Aid to the Crown by a Land-Tax; That part of the United Kingdom, now called *Scotland*, shall be charged by the same Act, with a further Summe of Fourty eight thousand Pounds free of all Charges, as the Quota of *Scotland* to such Tax, & so proportionably for any greater or lesser Summe raised in *England* by any Tax on Land, and other Things usually charged, together with the Land; And that such Quota for *Scotland*, in the Cases aforesaid, be Raised and Collected in the same manner as the Cess now is in *Scotland*, but subject to such Regulations in the manner of Collecting, as shall be made by the Parliament of *Great-Britain*.

X. THAT, during the Continuance of the respective Duties on Stamp Paper, Vellome and Parchment, by the several Acts now in Force in *England*, *Scotland* shall not be charged with the same respective Duties.

XI. THAT, during the Continuance of the Duties payable in *England* on Windows and Lights, which determines on the first day of August One thousand seven Hundred and Ten, *Scotland* shall not be charged with the same Duties.

XII. THAT, during the Continuance of the Duties payable in *England* on Coals, Culm and Cynders, which determines the Thirtieth Day of September One Thousand Seven Hundred and Ten, *Scotland* shall not be charged therewith for Coals, Culm and Cynders consumed there, but shall be charged with the same Duties as in *England* for all Coal, Culm and Cynders not consumed in *Scotland*.

XIII. THAT, during the Continuance of the Duty payable in *England*, which determines the Twenty Fourth Day of June, One Thousand Seven Hundred and Seven, *Scotland* shall not be charged with that Duty.

XIV. THAT the Kingdom of *Scotland* be not charged with any other Duties laid on by the Parliament of *England* before the Union, except those consented to in this Treaty; In regard it is agreed, That all necessary Provision shall be made by the Parliament of *Scotland* for the Publick Charge and Service of that Kingdom for the Year one thousand seven hundred and seven: Providing nevertheless,

less, That, if the Parliament of *England* shall think fit to lay any further Impositions, by way of Customs, or such Excises, with which, by virtue of this Treaty, *Scotland* is to be charged equally with *England*; In such case, *Scotland* shall be lyable to the same Customs and Excises, and have an Equivalent to be settled by the Parliament of *Great-Britain*. And seing it cannot be suppos'd, That the Parliament of *Great-Britain* will ever lay any sorts of Burthens upon the United Kingdom, but what they shall find of Necessity, at that time, for the Preservation and Good of the whole; And with due Regard to the Circumstances and Abilities of every Part of the United Kingdom; Therefore, *It is Agreed*, That there be no further Exemption insisted on, for any Part of the United Kingdom, but that the Consideration of any Exemptions, beyond what are already Agreed on in this Treaty, shall be left to the Determination of the Parliament of *Great-Britain*.

XV. WHEREAS, by the Terms of this Treaty, the Subjects of *Scotland*, for preserving an Equality of Trade throughout the United Kingdom, will be lyable to several Customs and Excises now payable in *England*, which will be applicable towards payment of the Debts of *England*, contracted before the *Union*; *It is Agreed*, That *Scotland* shall have an Equivalent, for what the Subjects thereof shall be so charg'd, towards payment of the said Debts of *England*, in all particulars whatsoever, in manner following. *viz.* That, before the Union of the said Kingdoms, the Summe of three hundred, ninety eight thousand, and eighty five Pounds, ten Shillings, be granted to Her Majesty by the Parliament of *England*, for the Uses after-mentioned, being the Equivalent to be answered to *Scotland*, for such parts of the said Customs and Excises upon all Exciseable Liquors, with which that Kingdom is to be charg'd upon the *Union*, as will be applicable to the payment of the said Debts of *England*, according to the Proportions which the present Customs in *Scotland*, being Thirty Thousand Pounds *per Annum*, do bear to the Customs in *England*, computed at One Million, Three Hundred, Forty One Thousand, Five Hundred and Fifty Nine Pounds *per Annum*: And which the present Excises on Exciseable Liquors in *Scotland*, being Thirty Three Thousand and Five Hundred Pounds *per Annum*, do bear to the Excises on Exciseable Liquors in *England*, computed at Nine Hundred, Forty Seven Thousand, Six Hundred and Two Pounds *per Annum*; Which Summe of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, shall be due and payable from the time of the *Union*: And in regard, That, after the *Union*, *Scotland* becoming lyable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Exciseable Liquors as in *England*, as well upon that Account, as upon the Account of the Encrease of Trade and People, (which will be the Happy Consequence of the *Union*) The said Revenues will much Improve beyond the before-mentioned Annual Values thereof, of which no present Estimât can be made; Yet nevertheless, for the Reasons aforesaid, there ought to be a pro-

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portionable Equivalent answered to *Scotland*; *It is Agreed*, That, after the Union, there shall be an Account kept of the said Duties arising in *Scotland*, to the end it may appear, what ought to be Answer'd to *Scotland*, as an Equivalent for such Proportion of the said Encrease, as shall be applicable to the Payment of the Debts of *England*. And for the further and more effectual answering the several Ends hereafter mentioned, *It is Agreed*, That, from and after the Union, the whole Encrease of the Revenues of Customs, and Duties on Import and Export, and Excise upon Exciseable Liquors in *Scotland*, over and above the Annual Produce of the said respective Duties, as above stated, shall go and be apply'd, for the Term of Seven Years, to the Uses hereafter mentioned; And that, upon the said Account, there shall be answered to *Scotland* Annually, from the end of Seven Years after the Union, an Equivalent in Proportion to such Part of the said Encrease, as shall be applicable to the Debts of *England*. And whereas, from the Expiration of Seven Years after the Union, *Scotland* is to be lyable to the same Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England*; *It is Agreed*, That, when such Duties take place there, an Equivalent shall be Answered to *Scotland* for such Part thereof, as shall be apply'd towards payment of the Debts of *England*; Of which Duties, an Account shall be kept, to the end it may appear, what is to be Answered to *Scotland* as the said Equivalent. And generally, That an Equivalent shall be Answered to *Scotland* for such Parts of the *English* Debts, as *Scotland* may hereafter become lyable to pay by Reason of the Union, other than such for which Appropriations have been made by Parliament in *England* of the Customs, or other Duties on Export and Import, Excises on all Exciseable Liquors or Salt, in Respect of which Debts, Equivalents are herein before provided. And as for the Uses, to which the said Summe of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, to be granted as aforesaid, and all other Moneys which are to be Answered or Allowed to *Scotland* as aforesaid, *It is Agreed*, That, out of the said Summe of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, all the Publick Debts of the Kingdom of *Scotland*, and also the Capital Stock, or Fund of the *African* and *Indian* Company of *Scotland* advanc'd, together with the Interest for the said Capital Stock, after the Rate of Five Pounds *per Cent. per Annum*, from the respective Times of the Payment thereof, shall be payed: Upon Payment of which Capital Stock and Interest, *It is Agreed*, The said Company be Dissolv'd and Cease, and also, That, from the time of passing the Act of Parliament in *England*, for Raising the said Summe of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, the said Company shall neither Trade, nor grant Licence to Trade. And as to the Overplus of the said Summe of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, after the Payment of the said Debts of the Kingdom
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of *Scotland*, and the said Capital Stock and Interest, and also the whole Encrease of the said Revenues of Customs, Duties and Excises, above the present Value, which shall arise in *Scotland*, during the said Term of Seven Years, together with the Equivalent which shall become due upon Account of the Improvement thereof in *Scotland* after the said Term; And also, as to all other Summs, which, according to the Agreements aforesaid, may become payable to *Scotland* by way of Equivalent, for what that Kingdom shall hereafter become lyable towards payment of the Debts of *England*, It is agreed, That the same be apply'd in manner following, viz. That out of the same, what Consideration shall be found necessary to be had for any Losses which privat Persons may sustain, by Reducing the Coyn of *Scotland* to the Standard and Value of the Coyn of *England*, may be made good; And afterwards the same shall be wholly applyed towards Encouraging and Promoting the Fisheries, and such other Manufacturys and Improvements in *Scotland*, as may most conduce to the general Good of the United Kingdom. And it is agreed, That Her Majesty be Impowred to appoint Commissioners, who shall be accountable to the Parliament of *Great-Britain*, for disposing the said Summe of three hundred, ninety eight thousand, eighty five Pounds, ten Shillings, and all other Moneys which shall arise to *Scotland*, upon the Agreements aforesaid, to the purposes before-mentioned: Which Commissioners shall be Impowred to call for, Receive, and Dispose of the said Moneys in manner aforesaid, and to inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent may arise; And that the Collectors and Managers of the said Revenues and Duties be obliged to give to the said Commissioners subscrib'd Authentick Abbreviats of the Produce of such Revenues and Duties arising in their respective Districts; And that the said Commissioners shall have their Office within the Limits of *Scotland*, and shall, in such Office, keep Books containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the Subjects who shall desire the samen.

XVI. THAT, from and after the Union, the Coyn shall be of the same Standard and Value throughout the United Kingdom, as now in *England*, and a Mint shall be continued in *Scotland* under the same Rules as the Mint in *England*, subject to such Regulations as Her Majesty, Her Heirs or Successors, or the Parliament of *Great-Britain* shall think fit.

XVII. THAT, from and after the Union, the same Weights and Measures shall be used throughout the United Kingdom, as are now Established in *England*; And Standards of Weights and Measures shall be kept by those Burroughs in *Scotland*, to whom the Keeping the Standards of Weights and Measures, now in use there, do's of special Right belong: All which Standards shall be sent down to such respective Burroughs from the Standards kept in

the Exchequer at *Westminster*, subject nevertheless to such Regulations, as the Parliament of *Great-Britain* shall think fit.

XVIII. THAT the Laws concerning Regulation of Trade, Customs, and such Excises, to which *Scotland* is, by virtue of this Treaty, to be lyable, be the same in *Scotland*, from and after the *Union* as in *England*; And that all other Laws, in use within the Kingdom of *Scotland*, do after the *Union*, and notwithstanding thereof, remain in the same Force as before, (except such as are contrary to, or inconsistent with the Terms of this Treaty) but alterable by the Parliament of *Great-Britain*, with this Difference betwixt the Laws concerning Publick Right, Policy, and Civil Government, and those which concern privat Right; That the Laws which concern publick Right, Policy, and Civil Government, may be made the same throughout the whole United Kingdom; But that no Alteration be made in Laws which concern privat Right, except for evident Utility of the Subjects within *Scotland*.

XIX. That the Court of Session, or Colledge of Justice, do after the *Union*, and notwithstanding thereof, remain in all time coming within *Scotland* as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the *Union*, subject nevertheless to such Regulations for the better Administration of Justice, as shall be made by the Parliament of *Great-Britain*; And that the Court of *Justiciary* do also after the *Union*, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the *Union*, subject nevertheless to such Regulations as shall be made by the Parliament of *Great-Britain*, and without prejudice of other Rights of *Justiciary*; And that all *Admiralty Jurisdictions* be under the Lord High Admiral or Commissioners for the *Admiralty* of *Great-Britain* for the time being; And that the Court of *Admiralty* now Established in *Scotland* be continued, and that all Reviews, Reductions, or Suspensions, of the Sentences in Maritime Cases competent to the Jurisdiction of that Court, remain in the same manner after the *Union*, as now in *Scotland*, until the Parliament of *Great-Britain* shall make such Regulations and Alterations, as shall be judg'd Expedient for the whole United Kingdom, so as there be always continued in *Scotland* a Court of *Admiralty*, such as is in *England*, for Determination of all Maritime Cases relating to privat Rights in *Scotland*, competent to the Jurisdiction of the *Admiralty Court*, subject nevertheless to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*; And that the Heretable Rights of *Admiralty* and Vice-*Admiralties* in *Scotland* be Reserved to the Respective Proprietors as Rights of Property, subject nevertheless, as to the manner of Exercising such Heretable Rights, to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*; And that all other Courts now in Being within the Kingdom of *Scotland* do remain, but subject to Alterations by the Parliament of *Great-Britain*

Britain; And that all Inferiour Courts within the said Limits do remain Subordinate, as they are now to the Supream Courts of Justice within the same in all time coming; And that no Causes in *Scotland* be Cognoscable by the Courts of *Chancery*, *Queens-bench*, *Common-Pleas*, or any other Court in *Westminster-Hall*; and that the said Courts, or any other of the like Nature, after the Union, shall have no Power to Cognosce, Review, or alter the Acts or Sentences of the Judicatures within *Scotland*, or stop the Execution of the same; And that there be a Court of Exchequer in *Scotland* after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases, as the Court of Exchequer has in *England*; And that the said Court of Exchequer in *Scotland* have Power of passing Signatures, Gifts, Tutories, and in other Things, as the Court of Exchequer at present in *Scotland* hath; And that the Court of Exchequer that now is in *Scotland* do remain, until a new Court of Exchequer be settled by the the *Parliament of Great-Britain* in *Scotland* after the Union; And that, after the Union, the *Queens Majesty*, and her Royal Successors, may continue a Privy Council in *Scotland*, for preserving of publick Peace and Order, until the *Parliament of Great-Britain* shall think fit to alter it, or establish any other effectual Method for that End.

XX. THAT all Heretable Offices, Heretable Jurisdctions, Offices for Life, and Jurisdctions for Life, be Reserved to the Owners thereof, as Rights of Property, in the same manner, as they are now enjoy'd by the Laws of *Scotland*, notwithstanding of this Treaty.

XXI. THAT the Rights and Priviledges of the *Royal-Burroughs* in *Scotland* as they now are, do remain intire after the *Union*, and notwithstanding thereof.

XXII. THAT, by virtue of this Treaty, of the Peers of *Scotland* at the time of the *Union*, Sixteen shall be the Number to Sit and Vote in the House of *Lords*, and Forty five the Number of the Representatives of *Scotland* in the House of *Commons* of the *Parliament of Great-Britain*; and that when Her Majesty, Her Heirs or Successors, shall declare Her or Their Pleasure, for holding the first or any subsequent *Parliament of Great-Britain*, until the *Parliament of Great-Britain* shall make further Provision therein, a Writ do issue under the Great Seal of the United Kingdom, directed to the Privy Council of *Scotland*, commanding them to cause sixteen Peers, who are to sit in the House of *Lords*, to be summon'd to *Parliament*, and forty five Members to be elected to sit in the House of *Commons* of the *Parliament of Great-Britain*, according to the Agreement in this Treaty, in such manner as by the *Parliament of Scotland* shall be settled before the *Union*: And that the Names of the Persons so summon'd and elected, shall be return'd by the Privy Council of *Scotland*, into the Court from whence the said Writ did issue. And that if her Majesty, on or before the first day of *May* next, on which Day the *Union* is to take place, shall declare, under the Great Seal of *England*, That it is Expedient,

pedient, that the Lords of Parliament of *England*, and Commons of the present Parliament of *England* should be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*, then the said Lords of Parliament of *England*, and Commons of the present Parliament of *England*, shall be the Members of the Respective Houses of the first Parliament of *Great-Britain*, for, and on the part of *England*: And Her Majesty may by Her Royal Proclamation, under the Great Seal of *Great-Britain*, appoint the said first Parliament of *Great-Britain*, to meet at such Time and Place as Her Majesty shall think fit; Which Time shall not be less than Fifty Days after the Date of such Proclamation; and the Time and Place of the Meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of *Great-Britain*, directed to the Privy Council of *Scotland*, for the Summoning the sixteen Peers, and for Electing forty five Members, by whom *Scotland* is to be represented in the Parliament of *Great-Britain*: And the Lords of Parliament of *England*, and the sixteen Peers of *Scotland*, such sixteen Peers being Summoned and Return'd in the manner agreed in this Treaty; And the Members of the House of Commons of the said Parliament of *England*, and the forty five Members for *Scotland*, such forty five Members being Elect'd and Return'd in the manner agreed in this Treaty, shall assemble and meet respectively, in their respective Houses of the Parliament of *Great-Britain*, at such Time and Place as shall be so appointed by Her Majesty, and shall be the Two Houses of the first Parliament of *Great-Britain*, and that Parliament may continue for such time only, as the present Parliament of *England* might have continued, if the Union of the Two Kingdoms had not been made, unless sooner Dissolved by Her Majesty; And that every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliament of *Great-Britain* in the First, and all succeeding Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherways direct, shall take the respective Oaths, appointed to be taken in stead of the Oaths of Alledgeance and Supremacy, by an Act of Parliament made in *England*, in the First Year of the Reign of the late King *William* and Queen *Mary*, Entituled, *An Act for the Abrogating of the Oaths of Supremacy and Alledgeance, and appointing other Oaths*, and make, subscribe, and audibly repeat the Declaration mention'd in an Act of Parliament made in *England* in the Thirtieth Year of the Reign of King *Charles* the Second, Entituled, *An Act for the more effectual preserving the Kings Person and Government, by Disabling Papists from sitting in either House of Parliament*, and shall take and subscribe the Oath mention'd in an Act of Parliament made in *England*, in the First Year of Her Majesties Reign, Entituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act, Entituled, An Act for the further Security of his Majesties person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for de-*

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claring the *Association* to be determin'd at such time, and in such manner, as the Members of both Houses of *Parliament of England* are, by the said respective *Acts*, directed to take, make, and subscribe the same, upon the Penalties and Disabilities in the said respective *Acts* contain'd. And it is *Declar'd* and *Agreed*, That these Words, *This Realm*, *the Crown of this Realm*, and the *Queen of this Realm*, mentioned in the *Oaths* and *Declaration* contain'd in the aforesaid *Acts*, which were intended to signifie the *Crown* and *Realm* of *England*, shall be understood of the *Crown* and *Realm* of *Great-Britain*; And that in that Sense, the said *Oaths* and *Declaration* be taken and subscribed by the Members of both Houses of the *Parliament of Great-Britain*.

XXIII. THAT the foresaid Sixteen Peers of *Scotland*, mentioned in the last preceeding Article, to sit in the House of Lords of the *Parliament of Great-Britain*, shall have all Priviledges of *Parliament*, which the Peers of *England* now have, and which they, or any Peers of *Great-Britain*, shall have after the Union, and particularly the Right of sitting upon the Tryals of Peers: And in case of the Tryal of any Peer, in Time of Adjournment or Prorogation of *Parliament*, The said Sixteen Peers shall be Summon'd in the same manner, and have the same Powers and Priviledges at such Tryal, as any other Peers of *Great-Britain*; And that, in case any Tryals of Peers shall hereafter happen, when there is no *Parliament* in Being, the Sixteen Peers of *Scotland*, who sate in the last preceeding *Parliament*, shall be Summon'd in the same manner, and have the same Powers and Priviledges at such Tryals, as any other Peers of *Great-Britain*; And that all Peers of *Scotland*, and their Successors to their Honours and Dignities, shall, from and after the *Union*, be Peers of *Great-Britain*, and have Rank and Precedency next, and immediatly after the Peers of the like Orders and Degrees in *England*, at the time of the *Union*, and before all Peers of *Great-Britain*, of the like Orders and Degrees, who may be Created after the *Union*, and shall be Tryed as Peers of *Great-Britain*, and shall Enjoy all Priviledges of Peers, as fully as the Peers of *England* do now, or as they, or any other Peers of *Great-Britain* may hereafter Enjoy the same, except the Right and Priviledge of sitting in the House of Lords, and the Priviledges depending thereon, and particularly the Right of sitting upon the Tryals of Peers.

XXIV. THAT, from and after the *Union*, there be one Great Seal for the United Kingdom of *Great-Britain*, which shall be different from the Great Seal now us'd in either Kingdom; And that the Quartering the Arms, as may best sute the *Union*, be left to Her Majesty: And that, in the mean time, the Great Seal of *England* be us'd as the Great Seal of the United Kingdom; And that the Great Seal of the United Kingdom be us'd for Sealing Writs, to Elect and Summond the *Parliament of Great-Britain*, and for Sealing all Treaties with Foreign Princes and States, and all publick Acts, Instruments and Orders of State, which concern the whole United Kingdom, and in all other Matters relating to *England*, as

the Great Seal of England is now us'd; And that a Seal in Scotland, after the Union, be always kept, and made use of in all things relating to privat Rights or Grants, which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants, Commissions, and privat Rights within that Kingdom; And that, until such Seal shall be Appointed by Her Majesty, the present Great Seal of Scotland shall be us'd for such Purposes; And that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal, and Seals of Courts now used in Scotland, be continued; But that the said Seals be Altered, and Adapted to the State of the Union, as Her Majesty shall think fit; And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations, as the Parliament of Great-Britain shall hereafter make.

XXV. THAT all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declar'd to be, by the respective Parliaments of the said Kingdoms.

In Testimony whereof, the Commissioners for the respective Kingdoms, Impowred as aforesaid, have set their Hands and Seals to these Articles, contain'd in this, and the twenty five fore-going Pages, at Westminster the Day and Year first above-written.

Seafeld Cancellor.

Queensberry C. P. S.

Mar S.

Loudoun S.

Sutherland.

Morton.

Wemyss.

Leven.

Stair.

Roseberie.

Glasgow.

Arch. Campbell.

Dupplin.

Rosse.

Hew Dalrymple.

Ad. Cockburne.

F. Montgomerie.

David Dalrymple.

Patr. Johnston.

Ja. Smollett.

W. Morison.

Alexander Grantt.

W. Seton.

John Clerk.

Dan. Stenart.

Daniel Campbell.

Tho. Cantuar.

Wm. Couper C. S.

Godolphin.

Pembroke P.

Newcastle C. P. S.

Devonshire.

Somerset.

Bolton.

Kingston.

Sunderland.

Orford.

Townshend.

Twiharton.

Poulett.

Somers.

J. Smith.

Hartington.

Granby.

C. Hedges.]

Ro. Harley.

H. Boyle.

J. Holt.

Tho. Trevor.

Edw. Northey.

Sim. Harcourt.

J. Cooke.

Stephen Waller.

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AND thus the Treaty at *London* ended, which, tho' it seemed very perfect in all its parts, and as abundance of People thought, could not want any Corrections, yet as by the sequel appeared, the most difficult Work was yet to do.

I know some were of the Opinion, that this Treaty could admit of no Additions, Amendments or Alterations, and that the Words in the respective Acts of Parliament previous to it, (which said; *Provided that nothing in this Treaty should be binding to either Nation, unless it shall be Ratified in the respective Parliaments of both Kingdoms*) implied that the respective Parliaments had no Power to enter into the Articles separately and apart, but only debating on the whole, to Approve or Disapprove, Ratify or Reject it as a Treaty.

I shall not Trouble the Reader with any of the Reasons given for this Notion, nor make any other Remark upon it than this, — That the People who were for this Opinion were of two sorts, and both such as the Nations on either side, were very little beholding to.

1. They were such, who having no great Concern for the essential part of the Treaty, *viz. The Good of their Country*, were for taking all upon Trust, and concerned not themselves either with the Event, or with the Circumstances, and therefore without any Difficulty were willing to put all upon a meer plurality of Voices, not much regarding whether it went this way or that. I shall be Kinder to these Gentlemen than to Record their Names; or leave them (so eminent in Folly) to be known by Posterity, lest their Children should be told hereafter how little their Country was obliged to them.

2. The other sort, whose Follies ought equally to be concealed, I mean as to Naming them, were such who were willing to have them put to the Question in Gross; Presuming,

1. That either their being so Voted, would hand them down Clogg'd with so many Inconveniencies as would in Time force the Nations to break the Articles, or bringing them to the necessity of falling to pieces, the Treaty should Dissolve of Course. Or,

2. That being Voted in general, with so many apparent Difficulties as they pretended to see in them, they would infallibly be lost in this Parliament, and so as formerly, the whole Treaty come to nothing.

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That these People aim'd not at shortning the Labour, but at cutting off the Union it self, is manifest, and it was but too apparent afterwards; since generally speaking, they were all against the Treaty in its future Debates, and that in every Article; by which they plainly made it appear, that they did not argue so much to Rectify and Amend as to Destroy, not so much to make the Articles more Perfect, or more Explicit, more Advantagious, or more Satisfying, but to annihilate them as Articles, and dissolve the very Life and Being of the Treaty: And this appeared in that, thro' all the Debates that happened afterwards, they shew'd themselves equally against every Article, and at the same time that they Objected against things, very seldom concern'd themselves, to propose the Alternatives, but rather pusht at overthrowing the substance of the thing; and if possible, to Urge the most Necessary Articles as Impracticable and Inconsistent.

As on the one Hand, this discovered the Design of the Persons to be *not Amending*, but Destroying the Articles: So it manifestly expos'd their Ignorance, either of their own Strength in *Scotland*, or of the Strength of their Friends in the South, in both which parts, (had their weak Politicks prevail'd to have put the Treaty in general to a Vote) they would have lost it by a Majority of Voices, the generality of both Nations being fully Convinc'd of the absolute Necessity of a Union, and would rather have Voted it without the Amendments than have lost it.

If I am ask'd how I prove this, I think I have a very good Foundation for it.

1. In the Motions first made in the Parliament House in *Scotland*, November 1. 1706, when the Strength of the House, as they call it, was effectually Tryed.

1. It was Moved that the Parliament now proceed to the farther and more particular Consideration of the Articles of the Union, in order to Approve them or not.

¶ *Nota, The Articles had been Read and Discours'd on severally in the House, and had taken up sixteen Days, barely Reading them one by one, to hear what one another could say, and to give the Members Light into the particulars, viz. from the fifteenth of October, to the first of November.*

2. "Upon this first Motion another followed, *viz.* That "the farther Consideration of the Union be yet delayed for some "considerable Time, that the Sentiments of the Parliament of "England thereanent be known, and that the Members of "Parliament may Consult those they Represent. — *Vide* the Minuts of Parliament, *Numb.* 13. But neither of these Attempts could be Carried in the House, nor could they bring the Motion to a Vote in the Terms the Proposal was made, *viz.* Of Consulting Constituents, or waiting till the *English* Parliament should Sit. — To both which I shall speak in their Turn. — I only mention it here, to show that it was apparent these Motions proceeded only from a desire to gain Time, which they thought

thought might furnish a variety of Accidents to disappoint the whole. — And the many weak Attempts and low Steps some Gentlemen took, if possible, to delay the proceedings, plainly shew'd the very juncture of Time when this was doing, was one of the greatest Unhappineſſes, *as they thought it*, which befall the Party.

2. But I prove this further by the Unanimity of the *English* Parliament in paſſing the Treaty, and Ratifying without any Amendment, what they thought they had Clogg'd with ſo many Inequalities, on the other ſide, that it could never go down with them.

I ſhall further convince the Reader of the manifeſt Deſign of the Party againſt the Union, *as ſuch*, — from their frequent Attempts to Clog the Articles with ſuch Things as they knew it was impoſſible the Parliament of *England* could grant — as a Liberty to Export Wool, &c. different Draw-backs, and different Prohibitions in Trade, differing and diſproportioned Excises, Customs and Taxes, &c. of which I ſhall take the Freedom to ſpeak in their Turn.

But being diſappointed in theſe, they ſound the Parliament of *England* ſo Unanimous that they paſt all their Amendments, ſome of which were ſuch, as the Party having meerly Clamour'd the Houſe into, were really paſt, not ſo much for any Reſpect to their true Signification, as for the ſake of giving ſome Satisfaction to Uneaſie People.

How much more then the Parliament of *England* would have paſt the whole Treaty Unaltered, is very evident, and conſequently 'tis as plain that theſe People had taken no aim in their offering to Vote the Articles in the groſs, upon a Preſumption that it would be a mean to make the whole miſcarry.

The Treaty being concluded in *England*, and the Commiſſioners ſeparated; The next thing was the Meeting of the reſpective Parliaments of the two Kingdoms for Ratification of the Articles.

The Parliament of *Scotland* was firſt, being to meet the third of *October 1706*. — The Queen was Reſented in this Parliament by the Duke of *Queensberry*. — I know 'tis not the part of a Hiſtorian to make Panegericks, and I think I have given Demonſtrations to the World, as to my ſelf, that I will flatter no Man — But I cannot but give this Teſtimony here, that the Prudence, Calmneſs, Temper and Moderation of this Noble Perſon had theſe two viſible Effects.

1. It gave a wonderful Teſtimony to the Queens Judgment, and the right Notions ſhe had entertained of the true ſtate, not of Her Affairs only, but of Her People; that Her Maſteſty knew this Work muſt be carried on, not by too much Fire or too much Water, neither by want of Zeal or too much Zeal, That here was an insolent Party to deal with, who muſt be born with, not Exaſperated, Calm'd not Enraged; That here would be as much Difficulty required to deal with Friends as with Enemies, to Reconcile Jarring Interests, Clashing Parties, and keep all in Temper. — Here was a ſtrong Party for the Union,

but they were made up of several Parties, just come together as for the Occasion; They were like *Epicurus's* Atoms by a strange fortuitous Chance of concurring Circumstances brought to joyn in this, who were perfect Antipodes in all their former measures, and could never agree to act together before; It was not a Matter of the least Consequence to bring together and keep together, strong and differing Parties, who acted even in this very Thing, from different Views, and some with directly contrary Designs, — and it was all the way as Fatiguing to keep some Gentlemen in suited Temper, for this great Work, as to oppose the Fire and Fury of those that set themselves against it. — Under the solid Consideration of all this, and with a full view of the Difficulties, at least in general, Her Majesty pitches upon the Duke of *Queensberry*, as a Person of Temper, Prudence and Moderation, unexceptionable in Knowledge of what was before him, resolute in pursuing it thro' all Difficulties, and of a calm Courage in all the passive part of it, of which I shall speak more at large hereafter.

2. It had this particular Advantage, that it was in a great Measure the only thing that carried this difficult Work on, That the Duke in all the Heats and Animosities of the Party, in all the Convulsions of the Kingdom, carried on the Treaty with Easiness, Temper and extraordinary Conduct, not taking Advantages of the Rashness and Rudeness of the People, Pitying rather than apprehending Danger from their Folly, he kept his hand upon the Work, his Eye upon the principals of the Opposite Party, he disappointed all their Measures, he let himself into the Darkest of their Counsels, — he pursued the main and great Work in hand, — and with a Contempt, above my power to express, received all their Insults, laught at their Threatnings, Treated them Courteously and Calmly, under the most intollerable Carriage, — and this under the supream Conduct, was the only Step by which this great Work could have been brought to pass.

Had warmer Heads been listned to, had Resentment been prevailing, had Provocations, almost beyond the power of Flesh and Blood to bear, been prevailing, — *and I must own, who was an Eye Witness to it all, that I often wondred how it was possible to bear such things*; I say, had the Gentlemen of Warmer Heads been listned to, nay even with strong Reasonings, and from Men of sound Judgments too, — all had been undone, and the Nation had been in a Flame, we had been destroyed not delivered, the Government had been dissolved, not United, and *Britain* had by this time been the Seat of Blood, not an United and prospering Nation.

But this by the way, the Parliament being to meet, Her Majesties high Commissioner hastned down to *Scotland*, and the Queen on all Occasions, expressing Her Hopes that this Treaty would come to a happy Issue. — It was generally expected it would be received with the same Chearfulness and Alacrity in *Scotland*, and all our Eyes were bent upon the Meeting of the Approaching Parliament.

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In this general Expectation, I cannot forbear hinting here, that my Curiosity prest me to take a Journey thither, and being by all my Friends, to whom I communicated my Design, encouraged, to think I might be useful there to prompt a Work that I was fully convinced was for the general Good of the whole Island; and particularly necessary for the strengthening the Protestant Interest, I was moved purely on these Accounts to undertake a long Winter, a Chargeable, and as it proved, a Hazardous Journey. —

I contemn, as not worth mentioning, the Suggestions of some People, of my being employed thither, to carry on the Interest of a Party. — I have never loved any Parties, but, with my utmost Zeal have sincerely Espoused the Great and Original Interest of this Nation, and of all Nations, I mean Truth and Liberty, — and who ever are of that Party, I desire to be with them.

However, by this Journey, I had the Opportunity of Seeing and Hearing all the Particulars of the following Transactions, and of using my best Endeavours to Answer the many, many, and I must say of some of them, the most frivolous and ridiculous Objections, formed and improved there with great Industry, against every Article of the Union; and this is my Reason for mentioning it here, that I may acquaint Posterity how I came to the Knowledge of what I Write, and for no Ostentation at all: And as I had the Honour to be frequently sent for into the several Committees of Parliament, which were appointed to state some difficult Points relating to Equalities, Taxes, Prohibitions, &c. 'Tis for those Gentlemen to say, whether I was useful or not, that's none of my Business here; but by this means I have the greater Assurance to relate the Circumstances and Fact as it stood before them, and can not be afraid of being detected in any material Mistake.

And as this is the Reason of my making any mention of my self, so the Reader cannot but be content to know, from what Foundation this Relation is handed down to Posterity, and what assurance he has that the Author he Reads was Capable of giving him a right state of the Matter.

I have hinted already with what Freedom the Scriblers of the Age, if I may give them that Title, took upon them in the beginning of this Affair, to Determine what sort of Union was proper to be Treated of, and every one having vented his Politicks this way and that way, as his Interest or Party, or particular Employer Dictated, we thought that Storm had been over; when the Parliament first Sat down in *Scotland*, the generality of People seem'd very easy and forward for a Union in general, as what had long indeed been the desire of the whole Nation; and therefore the strange Alienation of the Humours of the People, on the general part of it, was the more Wonderful, and the more Unexpected: Of which, and its Causes, I am now to speak; of the Effects I shall be more particular hereafter.

On the third of *October* the Parliament met, his Grace Her Majesties High Commissioner opened the Session according to the usual Forms.

First Her Majesties Letter to the Parliament was presented to the House by the High Commissioner, and being received, was Read by the *Lord Clerk Register*, and is as follows.

ANNE R.

My Lords and Gentlemen,

SINCE your last Meeting, We did Nominat Commissioners
 'to Treat of an Union betwixt Our two Kingdoms of *Scot-*
land and England, and by their great Care and Diligence,
 'a Treaty, is happily concluded and laid before Us.

'We have called You together as soon as Our Affairs could Per-
 'mit, That the Treaty may be under Your Consideration, in Pur-
 'suance of the Act made in the last Session of Our Parliament
 'there; and We hope the Terms will be acceptable to You.

'The Union has been long Desired by both Nations, and We
 'shall Esteem it as the greatest Glory of Our Reign to have it
 'now Perfected, being fully perswaded, That it must prove the
 'greatest Happiness of Our People.

'An intire and perfect Union will be the solid Foundation of
 'lasting Peace; It will secure Your Religion, Liberty and Proper-
 'ty, remove the Animosities amongst Your selves, and the Jea-
 'lousies and Differences betwixt Our two Kingdoms: It must in-
 'crease Your Strength, Riches and Trade, and by this Union the
 'whole Island being joyned in Affection, and free from all Ap-
 'prehension of different Interests, will be enabled to Resist all its
 'Enemies, support the Protestant Interest every where, and main-
 'tain the Liberties of *Europe*.

'We do upon this Occasion Renew the Assurances We have
 'formerly given You, of Our Resolution to maintain the Govern-
 'ment of the Church, as by Law Established in *Scotland*, and the
 'Acts of both Parliaments, upon which this Treaty proceeded,
 'having reserved their respective Governments of the Church in
 'each Kingdom; the Commissioners have left that Matter Entire;
 'and you have now an Opportunity for doing what may be
 'necessary for Security of Your present Church Government after
 'the Union within the Limits of *SCOTLAND*.

'The support of our Government, and your Own Safety does Re-
 'quire, That You do make necessary Provision for Maintaining
 'the Forces, Ships and Garisons, until the Parliament of *Great-*
Britain shall provide for these Ends in the United King-
 'dom.

'We have made choice of our Right Trustie, and Right Entirely
 'Beloved Cousin and Counsellor, *James Duke of Queensberry*, to be
 'Our Commissioner, and Represent Our Royal Person, being well
 'satisfyed with his Fitness for that Trust, from the Experience
 'We have of his Capacity, Zeal and Fidelity to Our Service, and
 'the

the Good of his Countrey ; which, as it has determined Us in the Choice, We doubt not but will make him acceptable to You.

We have fully Instructed him in all things We think may fall under Your Consideration, and seems to be necessary at present : Therefore We desire that you may give entire Trust and Credit to him.

My Lords and Gentlemen,

It cannot but be an Encouragement to You to Finish the Union at this Time, That GOD Almighty has blessed Our Arms, and those of Our Allies with so great Success, which gives Us the nearer Prospect of a happy Peace, and with it You will have the full Possession of all the Advantages of this Union ; and You have no Reason to doubt but the Parliament of *England* will do what is necessary on their part, after the Readiness they have shown to remove what might obstruct the entering on the Treaty. We most earnestly Recommend to You Calmness and Unanimity in this Great and Weighty Affair, That the Union may be brought to a happy Conclusion, being the only effectual Way to secure your present and future Happiness, and to Disappoint the Designs of Our and Your Enemies, who will doubtless on this Occasion, use their outmost Endeavours to Prevent or Delay this Union, which must so much Contribute to our Glory, and the Happiness of Our People ; And so We bid You heartily Farewell. *Given at Our Court at Windsor Castle the thirty first Day of July 1706, and of Our Reign the Fifth Year.*

By Her Majesties Command.

M A R.

This Letter having been twice Read, the Duke of *Queensberry* seconded the Queens Letter with the following Speech.

My Lords and Gentlemen,

HER Majesty, by Her Gracious Letter, has acquainted You, that the Treaty of Union, between the Kingdoms of *Scotland* and *England* (pursuant to an Act made in your last Session) has been happily agreed on, which is now in my Lord Registers Hands, ready to be laid before You.

The Lords Commissioners for this Kingdom, have been Diligent and Zealous in concerting Just and Reasonable Terms ; and, it must be acknowledged, We met with a very Fair and Friendly Disposition in the Lords Commissioners on the other Part.

‘ The Treaty has, with all Humility, been presented to the
 ‘ Queen, and was most Graciously received; and tho’ no Reign
 ‘ was ever so truly Great, for Wise and Steady Councils, and so
 ‘ many Important Successes, as that of Her Majesty; yet, you
 ‘ see, She is pleased to Esteem the Perfecting of this Union, as
 ‘ the greatest Glory of Her Reign, being the most solid Founda-
 ‘ tion of a lasting Security to the Protestant Religion, and the
 ‘ Liberties of *Europe*, and of Peace and Happiness to Her People.

‘ These Reasons, I doubt not, will make the Treaty acceptable
 ‘ to You; And I perswade my self that you will proceed with
 ‘ such Calmness and Impartiality, as the Weight of the Subject
 ‘ Requires, and as becomes so great an Assembly.

‘ The Lords Commissioners for both Kingdoms were Limited in
 ‘ the Matter of Church Government; For the Security of Pres-
 ‘ byterian Government in this Church, you have the Laws already
 ‘ made for its Establishment, the Queens Repeated Assurances to
 ‘ preserve it, and I am Impowered to Consent to what may be
 ‘ further necessary after the Union.

‘ Her Majesty has been pleased to Recommend to You to make
 ‘ Provision for the Forces, Ships and Garisons, which is very
 ‘ necessary, the Subsidies granted at Your last Meeting being run
 ‘ out; so, I doubt not, You will speedily Renew them.

My Lords and Gentlemen,

‘ I am not insensible of the Difficulties that attend the Weighty
 ‘ Character, it has pleased Her Majesty to Honour me with, but
 ‘ with your favourable Assistance, (upon which I very much
 ‘ Rely) I hope, by my Zeal and Fidelity for Her Majesties
 ‘ Service, and the Good of my Countrey, which are inseparable,
 ‘ to Discharge my Duty on this extraordinary Occasion.

And this was followed with another Speech by the Earl of *Sea-
 field* Lord Chancellor of *Scotland*, which I have also inserted
 here, as follows

My Lords and Gentlemen,

‘ **I** T hath been, and is the great Happiness of this Nation, That
 ‘ the Queen Our Sovereign, hath always made it the chief
 ‘ Design of Her Reign, to protect Her Subjects, in the Enjoy-
 ‘ ment of all their Rights and Privileges, to Promove their Good,
 ‘ and to Establish their Peace and Prosperity, upon sure and
 ‘ lasting Foundations.

‘ For these Ends, Her Majesty, in Her most Gracious Letter,
 ‘ doth, with great Earnestness, Recommend to You the Conclu-
 ‘ ding of the Union of the Two Kingdoms, and has plainly and
 ‘ fully

fully laid before You the great Advantages that this Union must bring with it to all *BRITAIN*, and in particular to this Kingdom.

The Lords Commissioners Named by Her Majesty for this Kingdom to Treat of this Union, have endeavoured to Discharge this great Trust, with all Fidelity, and have Agreed to such Terms and Conditions, as, I hope, shall be found Just, Honourable and Advantageous: The Treaty has been already received very Graciously by Her Majesty, and is now ready to be Reported to you for your Consideration.

I do not think it proper at this time to descend into the particular Articles of the Treaty; I shall only beg leave to say in general, That it must be of great Advantage to have this whole Island Unite under one Government, and Conjoyned Intirely in Interest and Affection, having Equality of all Rights and Privileges, with a free Communication and Intercourse of Trade, which must certainly Establish Our Security, Augment Our Strength, and Increase Our Trade and Riches.

We can never expect a more favourable Juncture for Completing this Union, than at present, when Her Majesty has not only Recommended it, but Declared, That She will Esteem it the greatest Glory of Her Reign, to have it perfected; And when the Parliament of *England* has shown their Inclinations for it, by Removing all these Obstacles that did ly in the way of the Treaty: And it must also be acknowledged, that the Lords Commissioners for *England* did Testify their good Disposition all along in this Affair: And the Great and Glorious Successes wherewith GOD has Blessed Her Majesties Arms, and those of Her Allies, give us the Hope of a Near and Advantageous Peace, whereby we will be put in the Possession, and attain to the full Enjoyment of all the Liberties and Privileges of Trade, now offered by the Treaty.

The Commissioners of both Sides, have only Treated of such Things as concern the Civil Government, Liberties, Privileges, Trade, and Taxes; but found themselves Limited as to the Church-Government, that being Reserved to each Kingdom by the respective Acts of Parliament, upon which the Treaty proceeded: And you have now not only the Laws already made, with Her Majesties most Gracious Repeated Assurances, for maintaining and continuing Presbyterian Church Government within this Kingdom; But this further Opportunity of making such Conditions and Provisions, as shall be found Necessary for its Security, after the Conclusion of this Union, within the Limits of *SCOTLAND*.

Her Majesty Recommends to You to provide the necessary Supplies for the Troops, Garisons and Ships; The Funds formerly given are expired: And therefore I doubt not, but you will easily comply with what is so plainly Necessary for the Preservation of the publick Safety, and preventing the Designs of Enemies now in time of War.

My Lords and Gentlemen,

‘ Since We have now the Opportunity of Establishing for Our
‘ Selves and Our Posterity, by this Union with *England*, all that
‘ concerns Our Religion and Liberties, together with the most
‘ valuable Privileges of Trade; I am hopeful, that You will
‘ proceed to the Consideration of the Articles of the Treaty, in
‘ such manner as shall bring it to the desired Conclusion, and it
‘ cannot but tend to the lasting Honour of this Session of Parlia-
‘ ment, to have so happily finished this most Important and Weigh-
‘ ty Matter.

I choose to place these Speeches here, rather than in the *Appendix*, because they so immediatly relate to the Story, and to the Continuance of the Thread of the Story, which now comes to be Discoursed of, that I thought they could not be so properly Transposed.

I shall not enter here into the particular Vote of every Day, having Abstracted those things by way of Journal, in another part of the Work, with Notes upon them, drawn from my own Observation, and from the generous Assistance of many Honourable Gentlemen present in the very Occurrences of every Day, and of Impartial Un-biassed Judgment in the Affair it self; — But one thing I must remark here, *viz.*

The first thing the House did, after the Speeches above, was to call for the Treaty of the Union, as it was drawn up and signed by the Commissioners, — and having caused it to be Read in the House. — Upon some general Debate, which lasted not long, it was Ordered to be Printed, and Copies to be Delivered to the Members of Parliament, which was accordingly done.

Till this very Day all things had gone on well, and the People in general were very well pleased with the Thoughts of the Union — They had not yet had Subject for the Turbulent Spirits to work upon, and having in general only Discoursed upon the Advantages of both sides, which were indeed in themselves visible enough, — the Clamorous Party which followed had not Concerted their Measures, from what Topicks to work upon the Humours of the People.

No sooner then were the Articles Printed, and put into the Hands of the People, — but the Gentlemen, who set themselves up against them, began to Preach upon the general Heads, as their Humour and Talent instructed them, in order to possess the People against the Particulars.

I cannot but distinguish here between the several Parties that now opposed the Union: In my Observation there were Four several sorts of People, who were against this Treaty, and who, either within Doors, or without, either in Parliament, in Commission, or in Conversation, joyned to Oppose, Clamour at, or Object against the Union;
and

and 'tis really necessary here to distinguish of them, that when I talk, *as I shall have frequent Occasion in the Process of this Story*, of the Opposers, and the Parties Opposing, it may, by the manner of their Opposing, be distinguish'd who is mean't; For I shall not name Persons in my Discourse of those things, not thinking it necessary to make this History a Satyr upon any one Family, or Record to Posterity the Steps they took in particular, or their Reasons for it in this Affair.

Where particular Actions, more than ordinary publick, have distinguished Persons, that is their own Act and Deed, and lyes not at my Door; / But to come to the Heads of Parties.

1. There was the profest *Jacobite* Party who Opposed the Treaty, purely on the Account of the Succession, which they saw evidently was struck at, and would be effectually fixt, contrary to their Principles, and Eternally Exclusive of the Family they Adhered to; And these Declared their Aversion to the Union, upon all Occasions, publickly and fairly, and, for ought I know, were some of the honestest of the Enemies to the Treaty.

2. There was the Dissenters from the Church, or the Episcopal Party, these Opposed the Union also publickly, as it tended in its Consequences, entirely to settle the Presbyterian Establishment, for ever to fore-close them, and bar the Door against all possibility of their Recovering the Government of the Church in the manner they desired; Since they saw but too plainly, however blind others were to it, that this Treaty would so settle the Presbyterian Establishment in *Scotland*, and so fortify it by Law, that if ever they should attempt to Recover the Hierarchy of Episcopacy here, even the very Episcopal Church, their own Brethren in *England*, would be obliged to Oppose and Suppress them. --- And these, so far as they acted fairly, were honest and open Enemies also to the Union.

3. There was a mistaken People, *I hope I may say so much of my own Opinion without Offence, for truly I think them mistaken*, who, tho this Union was calculated entirely for their Safety, and tended to their indissoluble Establishment, as by the Alarm of their Enemies was very visibly demonstrated, yet were drawn in by their Fears, and, I doubt, those Fears too much inflam'd by the Policy and wicked Artifice of Whispermongers and disguised Enemies, to Oppose the Union, as dangerous to the Church, and as interfering with the several publick Engagements the Nation had entered into. --- These, or most of them, were Honest, Well-meaning, and some of them most pious and valuable People; However some of them might sin against Moderation in the manner of their Dissenting, and a little too warmly push on their private Opinions.

Of these People I shall be far from saying any thing severe, for indeed I cannot think any thing ill of them, I mean as to Intentional Evil. The Weakness any of them might discover in forwarding, countenancing, or giving a Name to the Disorders of the Times, was rather the Artifice of a Party, who enevoured to Enflame the Nation, and put the Appearance of it upon them, Writing

ing their Names upon every Action, and Intituling every Tumult to their Protection.

But descending to particulars, we shall find; that however forward, and if their Enemies desire it, I'll venture to say, Indiscreet some of them might be, in discovering their Sentiments with Warmth in Conversation, yet upon all publick Occasions their whole Opposition of the Treaty was confin'd to legal Applications and peaceable Endeavours, the Tumult at *Dumfries* only excepted; For as to that of *Glasgow*, it was wholly *Jacobite*, meer Rabble and Tumult of that Party, and the poor Blinded Commonality Deluded and Imposed upon by them, contrary to the Opinions, and without the Assistance of the People I am speaking of, as will appear hereafter.

4. But lastly, There was a Party, who Vigorously and Violently, by all manner of Artifice, Trick, and Underhand Dealing, Opposed this Union, meerly upon Politick *Enigmas*, Reasons of Party, founded upon State Principles, Ambition, Emulation, Party-Pick, Prejudices, and a vast variety of unhappy Conjunctions, as serv'd to Enflame and Agitate their Spirits against it. ---- And as these were many of them Gentlemen of the first Rank, and some of them otherwise even well enough Affected to both the Succession, and to the Church; So I shall show more Respect to their Persons, than to Record them in a Case which I promise my self, they will some time or other reckon it their Misfortune to have Opposed, and perhaps be as Zealous now its finished to preserve, as they were before it was finished, to prevent.

Yet I must Confess, it was to these Gentlemen we owe the Amusing the Nation with so many unhappy Prejudices, the Alarming them with such ungrounded Apprehensions, and the Embarking the Common People against it, meerly on the appearing of such Men in it, on whose Judgments, and on whose Quality they had so much Dependence.

These were the Fatal People against this Treaty, these struggled within Doors and without, these brought to pass that monstrous Conjunction of Opposite and Discording Parties, and brought the *Jacobites* to cry out for the Succession, the Episcopal People to want Security for the Presbyterian Church, the Tory to cry out, Breach of Covenant, and the well Minded Presbyterian ignorantly excite the People to a Rabble.

These went about Preaching Opposition in every Shape, just as it suited the People they had to do with, they undertook to join *Cameronian* and Persecutor, Presbyterian and Papist; Protestant Succession and *Jacobitism*; Parties as Opposite as the Elements, as Distant as the Poles; And these are the People I desire to be understood of, when in this Book I talk in general of the Opposers of this Union, I Name no Body, whoever the Coat fits, they are Welcome to wear it.

Having thus described the Parties, it would be endless to enter into their several Methods, by which they Concurr'd together, *I do*
not

not say Confederated, for that was Impracticable, their several Aims consider'd; But all concurr'd nevertheless, to put the Management of this Affair into the following Confusions.

Till the Printing of these Articles, as I have already noted, the People were generally very desirous of the Union, as a thing which tended to the putting an end to all former Animosities, burying the ancient Feuds between the Nations, and removing the Apprehensions good People on both sides had justly entertain'd of a new Rupture, in case of the Queens Demise.

But no sooner were these Articles printed and dispers'd, but as if every Body had set themselves to raise Objections, form Scruples, and find Faults in them, the whole Nation fell into a general kind of Labour, in Canvassing, Banding, and Cavilling at the Conditions.

1. The poor People were terrify'd with the Apprehensions of insupportable Taxes, Loss of Employment, Want of all Things, and large Payments upon their Salt and Malt.

They were again fill'd with strange Stories of being sold to the *English*; their Parliament, Crown, Scepter, and even their Name as a Nation to be lost, and all carry'd to *England*.

2. The Merchants were frighted with printed Schemes of Excessive Customs and Impositions, and the strangest Projects of Trade were spread about the Kingdom that ever were seen, which being gotten into the Heads of those People, who yet, by their Concern in Trade, one would have thought, in common Charity, should have known better, were so managed, that it is hardly possible to believe, such preposterous Notions could prevail upon People, otherwise Knowing enough; Such as, 1. The Profitableness of a Trade to *France*, tho all the Returns from thence was in perishable Goods, such as Wines, Brandy, and Trifles for Consumption at Home.

2. The Unprofitableness of a Trade to *England*, whither their Export of Cattle and Linen, amounting to above Two Hundred Thousand Pound *Sterling per Annum*, brought back very little but ready Money.

Those were strange things, but so popularly push'd on, that they amus'd the whole Nation, and the poor People were told, the Union would beggar the Country, and starve the Nation; And this talk'd up to an Extravagant Height, made the poor perfectly distracted. --- Taxes were calculated, without allowing for the Advantages of the Customs, in other Cases taken off, without considering the Taxes on Malt and Salt were remote, and probable never to be laid, without considering Proportions, Equalities, and the Reasons, Nature, or Necessity of things, that the poor People were Exasperated to the highest Degree, and fill'd with Apprehensions, that they should have neither Food to eat, nor Beer to drink, that they were just to be sacrificed to the *English*, be subdued, ruin'd and destroy'd.

3. Those Articles, which left some things Contingent to the Parliamentary Jurisdiction, were improved to perswade the People, that

all their Laws, Liberties, Estates, and whatever was near and dear to them, was left intirely to the Determination and absolute Disposal of the *British* Parliament; In which, they being to have but a small Representation, supposing their own Members to be always Unbiass'd and Impartial, they should always be Over-ruled, Outvoted, Oppress'd and Subjected: To talk to them, in this Case, of the Words *Unalterable* and *Perpetual*, was to say nothing; To say, the *British* Parliament could make no Alterations, was to say nothing. These things had so filled the Heads of the People, that nothing could pacify them.

4. But above all this, and which was yet most unhappy, as it tended to an universal Alarm, and to Embark a great many Sober and well Affected People against it, it was carefully represented to be Dangerous to the Church Government, That all the Establishment would be subjected to a Vote of Parliament, and a Parliament, where the Prelates had a Voice against them; that if the Bishops should please to Vote Episcopacy into *Scotland*, they getting a Majority in the Parliament, it would be done; that the Church would be ruin'd; that if she obtain'd a Tolleration, it was the most that could be expected in this Case, and that was precarious and uncertain, and what they must come a begging to the Bishops for. This made an unspeakable Disorder in the Minds of the People, and all the Methods taken to convince them, that the Parliament could not encroach upon the Church, or any ways concern themselves about it, were to no purpose; they declared the Act of Security to be insufficient, railed at the *Scots* Parliaments consenting in blank to the Establishment of the Church of *England*, and inveighed against a Tolleration of Episcopacy here, which they said would be the Consequence.

5. And last of all came an Universal Cry, that this was a plain Breach of the National Covenant and Solemn League, by which the Nation had bound themselves by Oath to GOD Almighty, among other things, to endeavour the pulling down the Episcopal Hierarchy, and to Reform, to the utmost of their Power, the Church of *England* also. --- All these things were not only brought as Arguments, but push'd with so much Heat, so much want of Charity and Courtesy, that really it began to break all good Neighbourhood, it sowed all Societies, and the National Quarrel broke into Families, who were ever jangling, divided, and opposite one among another. --- Nor was there any offering the Expositions, no not of their own Divines, who had declared, that the Obligations of the Covenant intitled them to no other Endeavour of Reforming the Church of *England*, but such as consisted in Prayers, Exhortations, Christian Arguments and Examples, *Vide Doctor Rule's Vindication of the Church of Scotland*, P. 16. However there was no talking to the People at this Time, nothing but Patience and Time could be expected to remedy it.

In this Juncture, and if possible to compleat the Distractions of the People, one Gentleman, by Name Mr. *Hodges*, and who had formerly been supposed to write for the Common Good of *Scotland*, and was rewarded for it by Parliament, by what Fate, Party, Passion

Passion or Prejudice, remains to this day a Doubt, ---- writes a large Book against an Incorporate Union, In which he abuses and reproaches *England*, as a Faithless, Wicked, Treacherous and Abominable Nation, and that to Unite with her, was to Entail GOD's Judgment on *Scotland* for her National Sins. A sad Instance of the Temper of these Times.

In this Book he sets down Two and Thirty Interfering Interests between the Nations, which he pretends 'tis impossible to reconcile : 'Tis writ with Infinite Scandal and Falsity ; and among the rest, and as a Test of the Sincerity of the Party, he affirms these palpable Untruths.

1st, That in Commerce, the *English* Trade to the *West-Indies* is carried on in Exclusive Companies, by which, the letting the *Scots* into that Trade, was an *English* Cheat.

2. That all the Ecclesiastical State of the Church was left at the Mercy of a *British* Parliament.

3. That the Members of Parliament in *England* were obliged to take the Sacrament of the Church of *England*, before they were admitted to sit in the House.

This is not a place to confute these things, they did not want their Answer in their Season, and the People in time did begin to see their Error, and how this Author had, by manifest Forgery, imposed upon them. ---- But still this did the Mischief it was calculated for, before any Answer could take place ; for this Book was eagerly espoused by the Party, and there was no room to question it was writ at their private Appointment : It was industriously spread over all the Kingdom in a few days, and noBody of any Consideration but had a sight of it ; nay, it was handed about among the poor People, to stir them up and enflame them, and it had all the Success the wickedest Creature could wish for ; It confounded and amazed the People, the dark Side of every thing was shown them, and the true Sense of things concealed, and who can but think the People thus abused should run out into Extravagancies.

It is not so much, that a Book fraught with Absurdities, Falsities and Contradictions, merits a Note in this Work : But I think 'tis absolutely necessary, to shew where the general Disaffection at the Union began, since it was manifest, that, till this time, the People were, in general, very well satisfied, and the Prospect of an Union was very grateful to them.

It cannot but be some Satisfaction to all those who have heartily espoused this Union, that the Opposition had such a beginning ; that its Foundation was laid in the Party-Prejudices of a few, whose Refuge and Support was the meer Assistance of Falsities and unparalleled Forgeries, by which the poor ignorant People were amused, imposed upon, and led blindly on, even to the Brink of their own Destruction ; from whence, thro' the good Providence of GOD rescued them, yet they were so possess'd, that they flew in the Face of every Body that attempted to open their Eyes, and insulted their Deliverers.

It was at least a Fortnight, that the Heats of the People, on Account of these Articles, continued, before they produced any extravagant Effects, and this time was generally spent in the Parliament, in reading over, discoursing upon, and preparing to Debate the Articles.

For it may be noted, as will appear by the Minuts, that the Articles were read over one by one in the House, before the main reading of them, and the Members were admitted to speak freely their Opinions on every Head, but to put nothing to the Vote.

During this Work, which was from the third of *October* to the first of *November*, the Ferment increased, and the whole Kingdom seemed to be in a Disorder, some Accounts of which may be very proper here.

There had always been a strong Opposition in this Country to the present Settlement, both Ecclesiastical and Civil, and the Revolution was not establish'd without a Civil War, which, tho it was but short, came to a Decisive Battel, which had this particular seeming Contradiction in it, that the Kings Army lost the Battel, and got the Victory.

The Viscount of *Dundee*, formerly *Graham* of *Claverhouse*, headed the Malecontent Party, the Kings Forces were routed, but *Dundee*, unhappily for his Party, was found among the Slain: His Victorious Party, by his Death, not only lost the Advantage of their Victory, but having lost the Chief of their Army, they soon dispersed for want of a Head, and the present Establishment prevailed.

But still they left the North Highlands full of Disaffection to the present Government, never submitting, but, as it were, by meer Force, even to this Day.

All the Remains of this Party, called particularly the *Jacobite*, were unanimously against the Union, as they were against the Succession.

2. The Episcopal Party were against it as before, because they foresaw, that the Presbyterian Church would strengthen their Settlement, by the Addition of *England*, who by this Treaty, would on all Occasions, be obliged to support and defend them, and so the Party would of Course be finally excluded.

These two Parties saw themselves abandoned by those who formerly opposed the Succession on different Reasons, and that those Gentlemen had fallen into the Union, as is before hinted; And tho I will not say, that they and the Papists and *Jacobite* Party were all in an Interest before, yet it was manifest they fell in together now, unanimously to oppose the Union.

What Opposition they had formerly made was under Hand, partly by Solicitation of Friends, and Clashing of Parties; they always look'd on it as a thing remote and impracticable, and a thing which the constant Jarrs, they industriously promoted among the People, and particularly the National Antipathy would always prevent.

But

But when, contrary to their Expectation, they found, That the Union was brought to a Head in *England*; That the Court push'd heartily to bring it to a Conclusion; and to their great Surprise found the several Opposing Parties joyn'd together; and that every one, from what different Prospects soever, concurr'd in the Union, and seem'd to make their Court to the Times on the Foot of the Zeal they should show for this new Prospect of Settlement.

This exceedingly alarm'd them; and they found, That now or never was the time to oppose it; That if it obtain'd now upon the Humour of the People, it was certain to be finished, and they and their Cause effectually fore-closed, from all Hopes of ever retrieving their Interest.

No sooner therefore was the Parliament met, and the Eyes of all the Nation fix'd upon the Event of this great Affair, but all the Engines of the several Parties were set to Work: Some to Expose, some to Defend both the Proceedings that were already perfected in *England*, and those that were now entring upon.

Innumerable Pamphlets were printed and dispers'd over the whole Kingdom; and industriously Harrangu'd upon by the Engines of the respective Parties, as their Interests led them.

The next Step was to find out popular Arguments to gratify the Humours of the several Orders or Divisions of the People; and to alarm them with those things in particular, which their several Tempers, Parties, or Designs led them most to apprehend.

Thus they spread all possible Scandals and Satyrs against the Treaty in general, as well in Print as in Discourse.

As that it was Dishonourable to *Scotland*; Surrendering her Sovereignty and Constitution, Subjecting her to her Ancient and Implacable Enemies. --- That it was Depressing the Honour and Dignity of a Kingdom, that had Defended her Liberty against *England* with such Gallantry and Bravery, for so many Hundred Years, as if she was less able to Fight now than ever, her Sons less Bold, her Gentry less Daring, or less willing to Die for their Country; That now they were to be Slaves, and must run to *Westminster* to Vote with a Handful of Members, who would never be able to carry a Question, or to make any Weight there, but just for Forms sake sit in the House, and be laugh'd at.

That the Figure *Scotland* would make in the *British* Parliament, would not be like a Kingdom, but like a Province; That one County in *England*. viz. of *Cornwall* sent up as many Members, one excepted, as the whole Kingdom; and that this was an Eternal Badge of their Subjection, and the like.

This was a general Cry, and began to be very popular: The People cryed out they were *Scots* Men, and they would be *Scots* Men still; They contemn'd the Name of *Britains*, fit for the *Welsh* Men, who were made the Scoff of the *English* after they had reduc'd them. --- *Scotland* had always had a Name and a Fame in Forreign Courts; They were Naturalized in *France*, Enjoy'd for many Years great Privileges there, and Honours bought with the Blood of their Ancestors;
E and

and they would never give away their Birthright, tho some of their Nation had been driving a Bargain for themselves, at the Price of Selling their Country.)---- Thus they fill'd the Mouths of the common People, who would go about the Street crying, No Union, and call the Treaters Traitors, and soon after began to threaten them openly to their Faces.

The Success the Party obtain'd here to incense the common People was too much, not to encourage them to proceed ; And the next Step was, to infuse like Prejudices into the Heads of the several Parties and Perswasions of People. And this was divided into two.

I. To perswade the Honest Presbyterian, that the Church would be subjected to the Votes, the Power and the Oppression of the Episcopal Hierarchy in *England*.

I will not positively assert, that this was a meer *Jacobite* Chime-ra, or had its pure Original in Plot and Design ; The Fears and Apprehensions of Honest People might at first lead them a great way in that Case : But I believe no Body will take Offence if I say those Fears and Apprehensions were soon made a Handle by this Party, who sat ready to take all Occasions, and they immediatly raised a Cry ; That the Church was betray'd ; That Episcopacy was coming in upon them ; That in the *British* Parliament they should be subjected to the Plurality of Voices, in which the *English* Bishops, beside their Influence on the Nobility and Gentry, had also their own Voices : And that, if the Union ever went forward, they should be certainly suppressed by the Prelates, and reduced to a Tolleration at best, if perhaps that should be obtained.

I cannot be censur'd by any Body, in this Conclusion of mine, if it be remembred, what strange Advocats the Church had at this Time, ---- when those that never came to the Church, never owned the Jurisdiction of the Church ; but on the contrary, were always known to maltreat her, reject her Establishment, and never joyned with her, either in Doctrine or Discipline, Worship or Government, went up and down, Exclaiming at the Designs of the *English* Bishops, to overthrow the Established Church.)

Nor will it be remote to the purpose to observe, that when the Act for the Security of the Church came to be Debated in Parliament, those very Gentlemen appear'd Zealous to obtain larger Conditions, and Voted the Overture insufficient for the Churches Safety, who were never supposed to owe the Church so much good Will. or ever before were observed to make her Security any part of their Concern : Nay, nor were ever known so much as to joyn with the Church, owne her Discipline, or call themselves Members. — But this ceased to be a Mystery, when some of those Gentlemen honestly declared, this was only done to strengthen their Interest against the Union, and openly began to draw their Arguments into a Chain of Successive Necessities ; That, from the very *Papist* to the *Jacobite*, the *Prelatist*, the *Presbyterian*, the *Cameronian*, every one might find Reasons to Act together against the Union, as a Common and a National Evil. But of this I shall find Occasion to speak again presently.

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The early spreading these Prejudices had but too much Success; the Party applyed themselves, as they found it suit the *Genius* and Tempers of the People.

To some it was Fatal to the Church, and they would be subjected to Prelacy, and the Plurality of Votes in the *British* Parliament.

To others it was Dangerous to the State, and the Independency, Honour and Sovereignty of the Kingdom was betray'd and given up.

Nay to the very Children and most ignorant People, they had their Arguments; such as, That the Honours, as they call them, the Crown of *Scotland*, Sword and Scepter, should be carryed away to *England*; And the Boys and Mob were invited by a great Person, in a Melancholly Tone, to go in and see the Ancient Crown of *Scotland*, for that it would soon be carryed away, and they might never see it any more.

To others they had a more subtil Argument; which tho it was perhaps begun among those that had no ill in their Design, *as is said of the first*, yet they carefully improved this, as they did all other things, to the general Confusion of the Times: And this was a Notion, that it was absolutely against the National Covenant, in which the People had Sworn to two Things, which this Treaty directly would contraveen and render impossible.

1st, -- That *Scotland* had Sworn in the National Covenant, to support the Sovereignty of the Kingdom, which they said was now to be given up.

2. That *Scotland* had engaged to pull down Episcopacy in *England*, to the utmost of their Power.

The starting these two things had two fatal Prospects; which indeed, had they not been both over-ruled by that Secret Hand, which had singularly appeared in the carrying this Treaty on thro' so many seemingly insuperable Difficulties, might have involved both Nations in Confusion.

From the first of these, they pretended to be bound to preserve the State in its immediate separate Condition; as if Confederating with, and Joyning to a more powerful Nation, on Terms Honourable, and tending to support the Sovereignty and Power of the whole, was not consisting with that part of the Covenant; which could no otherwise be understood there, than to signify the Supporting and Defending the Constitution of *Scotland*, as it was or should be legally Establish'd.

As to the other Suggestion, it was effectually Answer'd by one of the most Learned Divines of the Church of *Scotland*, Doctor *Rule*; where he Explains the Meaning of the Covenant to be in that Case, no Attempt by Force to reduce the Church of *England*, &c. but *what we are bound to by the Covenant, is not to Reform them, but to Concur with them, when lawfully called, to Advance Reformation either there, or any where else: And it is far from our Thoughts to go beyond that Boundary*, Vindication of the Church of *Scotland*, Pag. 16.

But this Clamour had another Effect, which might have been as Fatal in its Consequence, had not the Scene of Affairs been very

much changed in *England*: For this very Pretence, which the Episcopal Party prompted as much as in them lay here, and drew abundance of Good and Well meaning People into, in *Scotland*, as an Objection against the Union, they immediately turned upon them in *England*, and set some of the Church of *England* Clergy, especially those warm Gentlemen who were against the Union; They set them, *I say*, upon raising of the old Alarm again, of the Danger of the Church, arising from the Union; even from this very Argument, that the Presbyterians in *Scotland* were Sworn by the Covenant, to do their utmost to pull down Episcopacy in *England*.

I shall, as little as possible, concern this History with Debates of any of our Party Quarrels; but the Contradiction which these People fell into, was remarkable; and could it have been considered, might have very much Exposed them.

For if it was true, that the Church of *Scotland* had Sworn to Dethrone Episcopacy; and that the Presbyterians were against the Union, because it would deprive them of that Power, and for ever ty their Hands from that Work, ---- Then they were but ill Friends to the Church of *England* among her own Clergy, who were for that Reason against the Union. ---- And it was an Argument of the strongest Nature to prove, that the Church of *England* should have been with all her Heart for the Union, if she had the least Knowledge of her own Interest.

It is plain from Doctor Rule, that the Obligation of the Covenant extended no further, than to oblige them to concur with *England*, when lawfully called to a General Reformation.

But the Party in *England* run these things a great deal higher, and plyed the warm Addresses of the People; and especially one of the *Cameronians*, and of their Leader Mr. *John Hepburn*, against the Union; calling what those weak People put into their Addresses, the Act and Deed of the whole Presbyterian Church of *Scotland*: When 'tis known, *First*, That Mr. *Hepburn's* Address had but seven Hands to it. 2. Those People, tho in other things many of them are good People, yet do neither owne the Church nor the State; neither the Civil Government nor the Ecclesiastick. Of which I shall be larger hereafter.

By these Artifices 'tis hardly credible, what Aversions they raised in the People against the Union in general, even before the Articles were made publick, or at all Debated in the House.

But when the Articles were printed, and every one began to read Lectures upon them, according as their several Fancies guided them, or their Interest seem'd to clash with them, I want Words to express what a Clamour was raised on all Hands, and what Feuds began to appear in every Corner of the Nation.

Parties and People, whose Interests and Principles differed as much as Light and Darkness; who were as contrary in Opinion, and as far asunder in every thing, as the *Poles*, seemed to draw together here. ---- 'Twas the most monstrous Sight in the World, to see the *Jacobite* and the *Presbyterian*, the persecuting Prelatic *Non-juror* and the

the *Cameronian*, the *Papist* and the Reformed *Protestant*, Parle together, Joyn Interest, and Concert Measures together.

To see the *Jacobites* at *Glasgow* Huzzaing the Mob, and Encouraging them to have a Care of the Church; The High-flying Episcopal Dissenter crying out, the Overture was not a sufficient Security for the Church.

Such Convulsions as these Agitated the whole Kingdom; And it was the Unaccountablest Thing that ever was known, to find a Nation, That, but a few Months before, were earnestly crying out for an Union, and the nearer the better; and that were fully convinc'd of the Necessity they had of this Union, now fly in the Face of their Masters, and upbraid the Gentlemen, who managed it, with Selling and Betraying their Country, and Surrendering their Constitution, Sovereignty and Independency to the *English*.

And such was the Clamour against the Treators, that I verily believe, and I assure you, I do not give my private Opinion in it, --- had the Articles of the Treaty been published before the Treators came home; and the Feuds been the same against them as were afterwards, there was not many of them would dared to have gone home, without a Guard to protect them.

The Merchants, the Burghs, the Country People, all cryed out of Oppression, and of Ruine and Destruction in Trade. --- And yet, the Amendments that were offered by that Party to the Articles, in the Time of their Debate, were so small and so trifling, tho they had a free Debate on every Head, that their own Friends cryed out upon them, for demanding so little; and used this as an Argument against them afterwards, that they might have had more, if they had asked it.

Nor is it to be forgotten, that those very Gentlemen, who raised most Noise at the General of the Treaty, had least to say to the Particulars; had fewest Objections to make, and least of all concern'd themselves in the Amendments. --- The Reason was plain, the Design was not to Amend the Treaty, but to Destroy it; They were not Sollicitous to have a good Treaty, but to have no Treaty; The Drift was to Confound it with Infinite Objections, and to Clamour the People out of their Wits, that they might, if possible, Clamour the Parliament out of the House: And of this, such evident Proofs will appear in the Process of this Story, as no Body, I believe, will make any Doubt, but that there is Reason for such an Objection.

The Parliament was now met, and the Party who opposed the Treaty diligently, made up their greatest Strength within Doors in order to it. --- I will not say, that several took the Oath of Parliament, on purpose to be able to do Service against it, who never took the said Oath before, --- but I know it was so understood of several Gentlemen, --- and they were reported to be advised by their Friends to do so.

The first Step they took without Doors, for the Matters within Door, I refer to the Abstract I shall make of the Minuts in the end of this

this Work: But the first Step they took without Doors, as to Particulars, was to set on Foot a Notion, that the Members of Parliament had *no Right* to alter the Constitution, without the particular Consent of their *Constituents*; And that therefore the Parliament ought to have an Adjournment for some time, that the Members might go down into the several and respective Countries, which they Represented, and know the Mind of their Constituents.

And tho, this seem'd to be many ways confuted by Strength of Argument; wherein it was alledged, that this was not an Altering or Giving up the Constitution; And therefore, suppose it were true, that the Members were not impowered to Act, without the Consent of their Constituents, in Giving up the Constitution, yet this did not reach here.

2. It was alledged, that this Parliament was Summoned by Her Majesty, with an exprefs Signification in the Proclamation, that it was to Treat of, Consult about, and Conclude an Union with *England*; And being sent up, for that declared purpose, by their Constituents, there remain'd no Occasion to demand any further, or other Instructions from them; but they became Plenipotentiaries from that particular Circumstance.

3. That, by the Constitution, it was not required, that the Constituents should be consulted on any such Occasion; That the Convention of Estates Transposed the Crown, Altered the Succession, and Settled the Revolution; which, in all Circumstances, was as Essential to the Constitution as this; and that they never Consulted their Constituents in that Case at all; nor did the Opposers of the Revolution demand it; but Protested, and went out of the House.

And, in this Case, their Champion Mr. *Hodges* also was against them, who owned, that their Commissioners to the Parliament had full Power to Act for them in this Case.

However, As things began to run very high, and the People, prompted by these Popular Arguments, Assum'd every thing they thought fit to call their Right; several Burghs wrote Letters to their Representatives, in their own Names, and by their own Authorities, Requiring them not to give their Votes, or Assents to an Incorporating Union; --- Or, *in short*, not to the Union as now coming on, in the Terms of the Treaty.

But this was not all; For, finding that this was not much regarded by the Members; and that Precedents in like Cases, would not support the Practice; They turn'd their private Letters into Publick Addresses, and those introduc'd Mobs, Tumults, Insultings of Magistrates, Flight of Gentlemen from their Houses, and all manner of Popular Disorders; Till, at last, it came to downright Insurrection and Rebellion: Which, had not Circumstances, and the Season particularly prevented, had risen up to Blood, Civil War, and all the Terrible Consequences of an Inrag'd and Divided Nation, as shall more at large be related in its Course.

But

But to return to the Party who opposed the Treaty; at first they strove to carry on their Opposition by wiser Methods; and, by their Force of Arguments, to possess the Peoples Minds with such Aver- sions, as might convince the Parliament, they were Acting against the general Current of the Nation.

And having not at *first* appear'd against the thing in general, it behoved them to descend to particular Objections; For, to say, they would have no Union at all, would have been Impolitick, and have formed too great a Party against them: It was necessary therefore, to form themselves into a Body of Objectors, that had some Reason on their Side, and could descend to Particulars to en- force their Opinion.

Nor could they, in good Manners to the Queen, object against an Union in general, who, in Her Letters to the Parliament, had so earnestly recommended, upon all Occasions, the Union of Her People, as what Her Majesty esteem'd so much for their mutual Good; That she would count it Her singular Happiness, to have it compleated in Her Reign: On this Score, I say, should they have rejected all manner of Union, or Treaty of Union, it would have been so directly flying in the Face of the Queens Recommendation, that it would have not only appeared rude, but have lost them a considerable Party, whose Assistance they found very great Occasion for.

This brought all the several Parties, who were against the Treaty, as well those that were against it, on the Account of the Succession, as those that were against it in general, to fall in with those, who on- ly objected against the Circumstances of it; *I mean*, the Conditions, and Stipulations published in the Articles.

Thus the great Variety of Objectors, to make themselves perfect- ly Formidable, however different in Notion or Design, made up one Body; and turn'd their Arguments from being pointed against the Union in general, to be pointed against the Terms of it, *An Incorporating Union*.

This brought them back to the several Schemes of Forreign Uni- ons of Nations, such as *Switzerland*, the *United Provinces*, and the like: And some propos'd one thing, some another, not foreseeing, that, had even any of their Proposals come to have been the real Treaty; yet this Party, who were against the Union *as such*, would have been as much against that, as they were against this; and so at last they must have divided, broke their Interest, and lost the whole, which was the main thing aim'd at.

And thus now stood the Debate. — *No Incorporating Union* was the Word, — *Let us have an Union with England with all our Hearts, — but no Incorporation; Let us keep our Parliament, keep our Sovereignty, keep our Independency, keep our Constitution, and for all the rest, we are ready to Unite with you, as firmly as you can De- vise.*

This was thought, by most, to be just reviving the former Notions of a Federal Union, — with so many inconsistent Noun-Substan-

tives in their Government, that had upon all Occasions been found Impracticable ; and which would so intirely have left both Nations Exposed to the Possibility of a Relapsing into a divided Condition, that it could not be expected, *England, whose Considerations for Uniting, were Peace, Strength, and shutting a back Door of continual War, and Confusion from the North,* should communicate Trade, Freedom of Customs in all her Ports, and Plantations, with the Egress and Regress of Manufactures, &c. and leave the main things yet precarious and uncertain.

It would be endless to trouble the Reader here with the Arguments on both sides, ---- which came resolved at last to this short Head.

In the beginning of the Treaty at *London*, the *English* Commissioners had refused to Treat, but upon an intire and Incorporating Union, — and had given such Reasons, why all other Proposals, would not only be insufficient, but impracticable ; That the *Scots* Commissioners were convinc'd of it, and satisfyed to enter upon a Treaty of an intire Union, as the only way to establish the lasting Peace and Prosperity of both Nations.

To talk then of a Federal Union at this time, seem'd only to put the Question, whether the Parliament should take the Articles into Consideration, or no. — And this run all the Opposers back to the schemes of those, that were against the Union in general, and by this they lost Ground ; For tho they made a strong Opposition against the very Reading the Articles at all, and would gladly have rejected them in the Gross ; yet *there* several of their Friends left them, and so they lost the first Question, *Whether the Articles should be read*, which was carryed in the Affirmative *October 2d*, the first Day of the Meeting of the Parliament, as will appear by the Minutes.

This was the first Strait they were brought to ; And therefore, to back these two Principles, they set to Work to procure a Throng of Addresses from the several Towns, — and which 'tis visible they attempted to back with Force, to awe the Parliament into a Compliance, as will hereafter appear.

Most of these Addresses were worded to the same purpose, and in Substance contain'd a Claim of the Constituents Right, to limit and instruct their Commissioners, — and a Direction to avoid an Incorporating Union ; Some of them were decently prefac'd with Expressions of Courtesy to *England*, and Willingness to Confederate, or Unite with them on other Terms ; but Protested against an Incorporation of Government, as contrary to their Liberties, and destructive to their Sovereignty and Independency, the Glory of their Ancestors, the Honour of the Ancient Kingdom, and a great many such plausible Allegations, in order to make the Ground of their Addressing seem the more Specious, and to please the People : Others less Courteous, spoke higher Words and rougher Language, talk'd of their Defending their Constitution against the Invasion of Strangers, reflected on their Treaters, and their being wheedled and
drawn

drawn in to give up their Country, their Liberties, &c. We shall come to them presently.

As the Parliament was now sitting, so was the Commission, — this is a Deputation from the General Assembly, being a certain Number of Ministers, Impowered by an Act of the Assembly, to meet in the Intervals of their Session, to take Care of the Affairs of the Church.

The Transactions within the Parliament, I refer to the Abstract of the Minutes, with Observations immediately following this Account, *Folio* But that this Account, which contains things done without Doors, may run Hand in Hand with the said Abstract, it is necessary to give an Account what was Transacting in the Commission at the same time, at least so far as it relates to the present Affair.

It is observ'd in the Minutes of the 12th of October, that a Motion was made in Parliament for a Publick Fast; which, however, was opposed by those, that some thought, had more Inclination to the Work of a Publick Fast, than those that propos'd it; However, as the Commission had been several days met, the Gentlemen in Parliament, who were against the having a Publick Fast appointed by Parliament, seem'd to refer it to the Commission.

It was indeed oppos'd in the Commission of the Assembly, for the same Reasons that it was in Parliament, *viz.* Not for any Dislike of Fasting and Praying, but to prevent the Alarming and Amusing the People, which was the principal Work on Foot at that Time; However, not to neglect the Work, or be found opposing such a thing, as Praying to GOD, on whatsoever Account; It was mov'd in the Commission, That they should set apart a Time for themselves to Fast and Pray, as Ministers assembled on so great an Occasion; and that a Circular Letter should be sent to the several Presbyteries, to do the same in their several Districts.

The Act of the Commission, for this Day of Prayer, neither Confin'd them to a Day, or prescrib'd the Manner; The Act it self is to be found in the *Appendix, N A x*, as Copied from the Original in the Register.

There had been strong Rumours spread abroad, That the Commission would not Act, *in this Case*, without the General Assembly; but that they should Protest against the Union's being Concluded, till a General Assembly was Called; and Address the Parliament to Adjourn the Debate of it, till the Assembly should meet, which was not to be till *April*. — Or, that the Lords of Her Majesties Council should procure from Her Majesty, that the Assembly might be Called sooner.

But, as this was the Contrivance of a Party, only to gain Time; and of a piece with the Delays offer'd at in the House, at the same time; so it met with no Incouragement in the Commission: (Not, but that there was too strong a Party willing to have Befriended it, at that time, even in the Commission it self.

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However, a very Moderate and well Temper'd Address was drawn up in the Commission; it was Agreed to in the Commission the 11th, but not presented till the 17th: In which, they recommend to the Parliament, the Security of the Presbyterian Church of Scotland, and its Doctrine, Discipline, Worship and Government, to be secured by the Treaty, as you may see by the Address it self, which is printed in the *Appendix*, N B x.

After this, the Commission was again pressed about the Fast; and more Ministers being come to Town, than were at the first; and coming with the Sense of the Country People fresh in their Minds, who were, by this time, every where rendered very uneasy, the Motion of a Fast was renewed; And tho some were against a Fast as National, yet, as no Body was against Praying to GOD, on so Solemn Occasion, so the Commission began with themselves as follows.

October 17th, It was Agreed, That the Members of the Commission, with such as pleased to joyn with them, should Convene in the High Church of *Edinburgh* for Prayer the Day following; That the Moderator should begin with a short Discourse from the Pulpit, concerning the Occasion and Reason of that Meeting, and the Ministers to Pray, and the Orders of the Exercise were settled by the Commission.

Accordingly, on the 18th, there was a very great Congregation, where was present many Members of Parliament, and the Work continued till two of the Clock, very Publick and Solemn; but without any of the Excesses, which some People flattered themselves to find there.

However, after this, the Motion for a Fast was brought on again, and carryed in the Commission on the 21st of *October*, as from the Register follows.

There having formerly been a Motion made, for Application to the Parliament for a Publick National Fast; The Matter was this Day resumed, and much Debate about it; The Commission being pretty full, it took longer time; Some were for Applying to the Parliament, for their Civil Sanction to it; Others, that Presbyteries should be wrote to, to Appoint a Fast, without Applying to the Parliament; because it was feared, the Parliament might not be Unanimous in that Matter; and the mentioning of a Fast there, might, perhaps, in the present Circumstances, be Occasion of Strife: And after long Deliberation, it was Unanimously Agreed unto, that Application should not be made to the Parliament; and a Committee was Named to bring in a Draught of the Paper about that Fast; which Committee brought in the same, in Form of an Act, upon the 22d of *October*; and after some few Amendments, the same was Unanimously Approven.

This Fast was observed in *Edinburgh* very Solemnly, His Grace Her Majesties Commissioner, the Lord Chancellor, the Great Officers of State, and many Members of Parliament appear'd at Church, and joyn'd in it, tho the Appointment had not the Sanction

on of the Civil Authority to support it. — A clear Proof, by the way, of the Parliaments owning the Power of Appointing Fasts, to be in the Church.

Yet was not this such a General National Fast, as some People desired; hoping to obtain upon the People, by the Solemnity of the Thing; and by the Warmth of the Ministers, who, they vainly expected, would, in the Pulpit, run out against the Treaty; Bring the People to a general Aversion against it; and, by Consequence, to some violent Measures for preventing it.

But the Prudence of the Ministers prevented all this designed Mischief; — and tho the Day was, as I have said, observ'd with great Solemnity, and Affection; yet it was to their great Disappointment, that the Ministers generally, *as well those who were against the Union, as those who were for it*, in their respective Parishes, applyed themselves only summarily to the Substance, nay, to the very Words of the Assemblies Act, *viz. That all the Determinations of the Estates of Parliament, with respect to an Union with England, might be Influenced and Directed by Divine Wisdom, to the Glory of GOD, the Good of Religion, and particularly of the Church of Scotland.*

Thus the Thing was carryed thro', except as hereafter, without the Mischievous Effect, which some expected from it; who now begun to turn their Expectations another way, *viz. To THE PEOPLE*, who, they had, by various Arts, screw'd up to an Unexpected Fermentation; as, in the ensuing Tumults, appear'd.

I am sorry, that, in the Process of this Story, especially in this, which I count the fowlest and blackest part of it that could have been Acted, I shall be obliged to mention some Persons of great Honour, and Ancient Families, who were pleased, for Reasons of their own, to Act against the Union, and to appear so publickly in the Opposition of it, that *the People*, I do not say, by their own Approbation, *I hope not*, singled them out as the Patriots of their Country against this Transaction; and, by their Shouts and Huzzas after them, as they went and came to and from the Parliament, made them, as it were, the Heads of the Party, who opposed the Union.

The Dukes of *Hamilton* and *Athole* were the Chief of these, and were almost every day in Parliament, strenuously Arguing against the Articles, and pressing for other Measures, as by the Observations on the Minutes will appear.

The Duke of *Hamilton* being Indisposed by some Lameness, I cannot describe the Occasion, was generally carryed to and from the House in his Chair.

The common People now screw'd up to a Pitch, and Ripe for the Mischief designed, and prompted by the particular Agents of a wicked Party, began to be very Insolent: It had been whispered about several Days, that the Rabble would rise, and come up to the Parliament House, and cry out, *No Union*; That they would take away the Honours, *as they call them, viz. The Crown, &c.* and carry them to the Castle, and a long Variety of Foolish Reports of this kind.

But the first Appearance of any thing Mobish was, that every day, when the Duke went up, but principally as he came down in his Chair from the House, the Mob follow'd him, shouting and crying out, GOD bless his Grace, for standing up against the Union, and appearing for his Country, and the like.

And as Extremes are generally accompanied with their Contraries; so, while his Grace the Duke of *Hamilton* had these fancied Honours paid him, the Queens Representative, the High Commissioner, had all the Insults, Reproaches and Indignities offered him, that they durst, for fear of publick Justice, shew him. As will by and by appear.

Far be it from me to say, the Duke of *Hamilton* desired or encouraged this Tumultuary kind of Congratulation; That sort of Popularity must be too much below a Person of his Character; and his Grace knows the World too well, and is too Wise a Man, not to know, that such things always tend to Confusion, and to the Destruction of Civil Peace in the World.

Nor do I doubt, but his Grace did what he could, to prevent their singling him out, to show their Mob Courtesie to; but there was no Crushing a Rabble, that had so many Wheels to set it in Motion; and the seeming Causes of which encreased every day, *as the Union began to draw forward*, and as the Members appeared relolved to go forward with it seriously, in order to a Conclusion.

On the 22^d of *October*, they follow'd the Dukes Chair quite thro' the City down to the Abbey Gate; The Guards prevented their going further; But all the way as they came back, they were heard to threaten what they would do the next day; That then they would be a thousand times as many; That they would pull the Traitors, *so they call'd the Treators of the Union at London*, out of their Houses, and they would soon put an end to the Union.

On the 23^d, they made part of their Words good indeed; For, as the Parliament sat something late, the People gather'd in the Streets, and about the Doors of the Parliament House, and particularly the Parliament Closs was almost full, that the Members could not go in or out without Difficulty; when Duke *Hamilton* coming out of the House, the Mob Huzza'd as formerly, and follow'd his Chair in a very great Number; The Duke, instead of going down to *the Abbey* as usual, went up the High-Street to the *Land-Market*, as they call it, and so to the Lodgings of the Duke of *Athole*; Some said, he went to avoid the Mob; Others maliciously said, he went to point them to their Work.

While he went in to the Duke of *Athole's* Lodgings, the Rabble attended at the Door; and, by Shouting and Noise, having increas'd their Numbers to several thousands, they began with Sir *Patrick Johnston*, who was one of the Treators, and the Year before had been Lord Provost; First they assaulted his Lodgings with Stones and Sticks, *and Curses not a few*; but his Windows being too high, they came up the Stairs to his Door, and fell to Work at it with Sledges, or great Hammers; And, had they broke it open in their first Fury, he

he had, without doubt, been Torn in Pieces without Mercy ; and thus only, because he was a Treater in the Commission to *England* ; For, before that, no Man was so well Belov'd, as he, over the whole City.

His Lady, in the utmost Despair with this Fright, comes to the Window, with two Candles in her Hand, that she might be known ; and cryed out, for *GODs* Sake, to call the Guards : An Honest Apothecary in the Town, who knew her Voice, and saw the Distress she was in, and to whom the Family, under GOD, is obliged, for their Deliverance, ran immediately down to the Town Guard ; but they would not stir, without the Lord Provosts Order ; — but that being soon obtain'd, one Captain *Richardson*, who Commanded, taking about thirty Men with him, March'd bravely up to them ; and making his way with great Resolution thro' the Croud, they Flying, but Throwing Stones, and Hallowing at him, and his Men, he seized the Foot of the Stair Case ; and then boldly went up, clear'd the Stair, and took six of the Rabble in the very Act ; and so delivered the Gentleman and his Family. —

But this did not put a Stop to the general Tumult, tho it delivered this particular Family ; For the Rabble, by this time, were prodigiously increased, and went Roving up and down the Town, Breaking the Windows of the Members of Parliament, and Insulting them in their Coaches, in the Streets ; They put out all the Lights, that they might not be discovered ; and the Author of this had one great Stone thrown at him, for but looking out of a Window ; for they suffered no Body to look out, especially with any Lights, lest they should know Faces, and Inform against them afterwards.

By this time, it was about eight or nine a Clock at Night, and now they were absolute Masters of the City ; and it was Reported, they were going to shut up all the Ports ; — The Lord Commissioner being Inform'd of that, sent a Party of the Foot Guards, and took Possession of the *Nether-Bow*, which is a Gate in the Middle of the High-Street, as *Temple-Bar* between the City of *London* and the Court.

The City was now in a Terrible Fright, and every Body was under Concern for their Friends ; The Rabble went Raving about the Streets till Midnight, frequently Beating Drums, and raising more People ; when my Lord Commissioner being Inform'd, there were a Thousand of the Seamen and Rabble come up from *Leith* ; and Apprehending, if it were suffered to go on, it might come to a Dangerous Head, and be out of his Power to suppress, — he sent for the Lord Provost, and Demanded, that the Guards should March into the City.

The Lord Provost, after some Difficulty, yielded ; tho it was alledged, that it was what was never known in *Edinburgh* before. — About one a Clock in the Morning, a Battallion of the Guards entred the Town, Marched up to the Parliament Close, and took Post in all

the Avenues of the City, which prevented the Resolutions taken to Insult the Houses of the rest of the Treaters.

The Rabble were intirely reduc'd by this, and gradually dispers'd, and so the Tumult ended.

It is not easy to describe here, the Consternation all Good People were in, at the Rising of this Tumult; and had not such Resolutions been at last taken, as is above-mentioned, *which the other Party did not expect*, it had been the fatalest Rabble the Nation had ever seen.

In this Case my Lord Commissioner greatly disappointed the Party, who, having Insulted his Graces Lenity before, as a Faintness of Resolution, had spread about Scandalous Reports, That the Government durst not look the Rabble in the Face; That the High Commissioner was afraid of being Rabbled in his Palace; and that, if they once rose in a Mob, all would fly before them; That the Parliament would run away, and dissolve themselves, or fly to the Castle; and another worse thing than all, *viz.* That the Souldiers were on their side, and would not fight against their Country, as they called it.

But the Resolution of the Lord Commissioner disappointed them all, who now shew'd them, he had as much cheerful Bravery in the Action, as he had Calmness and Temper in the Parliament; This broke all their Measures; and when they saw the Guards, led by Brave and Faithful Officers, stand firm to their Duty, and shew themselves resolutely forward to defend the Government, they lost all their Courage; it defeated all their Expectations, and they began to lay aside that sort of violent Proceedings, and apply themselves to the Artifice of Words, and the Managry of Parties in the House.

It is to be observed also, That this Rabble was a Mine sprung before its Time, which blew backwards, and destroyed the Engineers, rather than the Enemies; *The Plot* being otherwise laid, *viz.* That it should not have broken out, till some Days following; when, as was said, all would have been in readiness, to have finished the Work at one Blow, *viz.* To have blown up the Government at once.

They had been Tampering with the Souldiery, in order to Debauch them from their Duty; and some People talk'd of retiring from the Parliament, and of some Great Men Heading the People; which, had their Patience been more, and their Conduct a little more secret, they had, without Doubt, effectually brought it to pass; But they blew their own Project up by their Precipitation, and so saved their Country by their very Attempt to destroy it.

The Author of this had his Share of the Danger in this Tumult, and tho unknown to him, was watch'd and set by the Mob, in order to know where to find him, had his Chamber Windows Insulted, and the Windows below him broken by Mistake. — But, by the Prudence of his Friends, the Shortness of its Continuance, and GODs Providence, he escaped.

Several

Several of the Rabble were seized upon, and apprehended; and there was a Discourse of making Examples of some of them; but the Mercy of the High Commissioner, *however provoked and abused*, prevail'd to Compassionate, rather than Punish their Follies; They were only kept some time in Prison, and afterwards let go, without any other Punishment.

And thus ended the most dangerous Juncture of the whole Treaty, and a Tumult, which ended to the Advantage of the Government, and the Disheartning the Party, who, before that, carry'd it with such an unheard of Insolence; That, had they not been, as they thought, sure of their Cause, they would never have Answer'd it to their own Discretion, to have Acted in so Open and Insulting a Manner.

The Foot Guards, and two other Regiments of Foot, did now constant Duty in the City, *viz.* The Regiments of *Strathnaver* and *Grant*; The Horse Guards attended the Commissioner, the other Battallion of Guards at the Palace, and the Garison at the Castle.

And all was little enough; For the Regiments were thin, and few; and all the Forces then in the Kingdom, *some Independent Companies in the Highlands excepted*, did not exceed three thousand Men; and great Endeavours were used, as I have said, to Debauch the Souldiers, tho in vain; they appearing Faithful and Forward, to do their Duty on all Occasions.

The next day the Parliament did not sit; but a great Council was assembled, where the Measures the Lord Commissioner had taken, as to bringing the Guards into the City, was Ratified and Approved; and a Proclamation published for suppressing the Rabble; which being something particular, is inserted in the *Appendix*, N^o. C x.

I have printed this Proclamation, tho this Work could very ill spare Room for it; both because it recites the Acts of Parliament in *Scotland* in Force against Rabbles; as also, for that the Method is particular to that place, and very good to prevent Tumults, *viz.*
1. Of obliging the Deacons of Crafts, *that is, as in London, the Masters of Companies*, to Summon the Inhabitants, and make them give Security for the Behaviour of their Servants, Apprentices, &c.
2. Giving an Indemnity to the Souldiers, either of the Regiments, or Town-Guards, in case they should wound or kill any Person, after a Command given for all to retire from the Streets. —

Indeed there was Occasion enough for such a Proclamation; and, had not the Party been broken, *as before*, all would have been little enough, to have suppress'd the Fury of this Enraged Multitude.

No Body would undertake to justify the Rabble, *especially after they had been defeated in the Design*. — Every Body cryed out, it was a Dangerous Thing; and the whole City might have been exposed to Plunder, Riot, and all manner of Disorder.

But, as the Party could not justify the Rabble, so they began a new Clamour; and now they exclaim'd, That the Privileges of the

the City of *Edinburgh* were invaded, and Souldiers brought in, to awe and oppress the Inhabitants.

That this had not been done in sixty Years before, nor ever, but in the Time of War and Tyrannick Government; and that it was a Fore-runner of the Slavery of the Nation.

Then they cryed out, this was an Invasion of the Freedoms of Parliament, and an Awe upon the Members, &c. See the Minuts of the 25th of *October*, where that Matter was urged very warmly.

'Tis true, it had been to be wished, the Affair could have been carryed on, without any Jealousies and Insults; But, on the other side, it was alledged, That the Force put on the Government by the Rabble, was an Invasion of the Publick Peace; and that the Mob were the Aggressors, and the Parliament was much more likely to be Awed by the Ungovern'd Rabbles of the Streets, if they had gotten a Head, than by the Forces brought in for their Security; who being at their Command, did nothing but secure them from the Insults of the Mob, and keep that Peace which the Civil Authority had not Power to preserve.

That the Military Power is always supposed to be assisting to the Civil, when oppress'd by Rabbles and Tumults; and while in Subservience to the Civil Peace, and Subordinate to the Civil Powers, the proper Safe-Guard of a State; — and as the Force of these Arguments carryed all things before them in the House, all the legal Pretences were overthrown, by the Reason and Nature of the Thing, and the Parliament approved of all that had been done.

Nor did they Approve it only; but Ordered the Guards to be Continued, or recommended it to the Lord High Commissioner, and the Privy Council, to continue their Care for the Safety and Security of the Parliament. *Vide the Minuts of October 25th.*

However, by this Method, the Appearance of the Rabbles, and the Fury of the Streets, were, in some Measure, Abated; yet the People appeared Exasperated to the last Degree; The Huzzaing and Crouding about Duke *Hamilton* continued, notwithstanding all his Endeavours to prevent it; and unusual Threatnings and dark Speeches were heard among the People.

The Lords, and others, who opposed the placing Guards in the Streets, made Protests against it, as Infringing the Liberties of the Parliament; tho it was very plain, that there was nothing Imposed in Parliament, nothing offered to be Carryed, but by Reasoning and fair Voting.

From this Time, they began to talk of Country Tumults; and that, since the Commissioner had suppress'd the Mob in the Town, the whole Country should rise, and come up to *Edinburgh*, and remove the Guards by Force from Imprisoning the Parliament.

The Pretence was Specious; They pretended, the Guards were a Force upon the Members of Parliament; That this was Graming the Union down their Throats; That the Country was Unanimously against it, and would not bear, that a few People in the House, because they had the Majority within Doors, and a Band of Souldiers

ers to back them, should Impose a Conjunction with *England* upon them, whether they would or no: — (Any Body may judge what a Time this was, when every day the Town was alarm'd; To Day the North was up in Arms, to Morrow the West; To Day such a Shire, to Morrow another, the next Day a Third; *Glasgow, Dumfries, Hamilton, Perth*, all the places which the Imagination of the People dictated, and the Fears of others apprehended.

It is impossible to express the Consternation of the People: Those that wished well to the Publick Peace, and who saw, that a Commotion at this Time, must immediatly involve the Nation in War, and Blood, not with *England* only, but with one another; these Trembled for Fear of the Desolation of their Country, the Blood and Ruine that always attends a Civil War, and the Danger of the Lives of themselves and their Relations.

Those who look'd seriously into the Drift of some of that Party, who most eagerly push'd on these Divisions, who saw how the Interest of a Popish, a *Jacobite*, and a Persecuting Bloody Generation lately extinguish'd, and now full of Hopes, was Twisted, and all joyn'd in Anti-Union Principles, could not but be heartily concern'd for the Establish'd Religion, and Protestant Church; which they must have been wilfully blind, who could not see was plainly struck at, by the Opposers of this Treaty.

To see others, whose Designs could not be suspected of any thing, to the Detriment of either Religion, or their Native Country, yet joyning blindly with a Wicked and Degenerate Race, and seeming to approve the Steps which were taken, to the Ruine and Destruction of both; To see these shut their Eyes against the plain Discoveries of a stated Resolution against both Liberty and Religion, and encourage, nay, in too much joyn with them, who were known Enemies both to the National Church, and Protestant Succession; These, I say, were very Melancholly Things, when the Prospect of them was so near to those, who were sincerely concerned for the Peace of the Country, and the Safety of the Reformed Religion; — And People went up and down wandering and amazed, expecting every day strange Events; afraid of Peace, and afraid of War; Many knew not which way to fix their Resolutions; They could not be clear for the Union; yet they saw Death at the Door, in its breaking off; Death to their Liberty, to their Religion, and to their Country.

Here were good People of all Opinions, as well as others; Some were against the Union, on a Principle of Justice and Honesty, as earnestly as others were against it, on a Principle of Treachery to their Country; Some were firmly possess'd, that they were under National Engagements, which, in the Nature of them, clash'd with the Union; and that therefore, however it might be necessary for the Safety, and Peace of either Church, or Nation, they could not get over those Obligations, or consent to this Evil, that the other Good might come; — And however these might, in the Consequence of the Thing, Countenance the wicked Foundation, on which

the other acted; yet I cannot but do them that Justice, that I believe, they were far from the least Intention, to encourage the strengthening a Party, whose Principle was *French* Government, and a Popish Sovereign. I will not answer for Indiscretion, or Errors in Temper in some; neither will I be so unjust, as to call every wrong Step an Error of Principle, and every mistaken Man a Plotter against his Country.

This was the unhappy divided Condition of this People, at the beginning of the Treaty. The Division was so general, that it spread thro' every part; The Gentry were divided, the Common People divided, nay, the very Ministers were divided; Parliament, Assembly, Court, City, Counties, Towns, nay, almost every Family were divided; and as the Event began to be feared on every side, People stood strangely doubtful of one another.

The Commission of the Assembly hitherto carryed, *as before noted*, with a great deal of Prudence and Moderation; and tho there were some unhappy Struggles there, which perhaps were pointed, by the same Party, at making a Breach; yet as they came to no Head, and were soon crush'd by the Wisdom and Conduct of the rest, I shall not preserve the Memory of them to Posterity; The general Proceedings of that Reverend Body being always Tempered with Modesty, Calmness, and Discretion, at the same time that they were anxiously concerned for the Security of the Foundation on which they stood, and had the whole Weight of the Church of *Scotlands* Safety upon their Hands.

They had Address'd the Parliament, That Care might be taken of the Church in the Treaty; and had been assured, they should have their Expectation fully Answer'd.

And I cannot but remark here, That the Foundation of this Treaty herein appeared to have been wisely laid; The Understandings and well poised Judgments of its first Contrivers was very Conspicuous, in leaving the respective Parliaments a full Liberty, so to Establish the several Churches, as that all the Security they could demand, one against the other, should be granted them; That every Root of Jealousy might be pull'd up, and there might be no Room for the Sowers of Discord to begin here, where they always used to begin; and from whence all the Mischiefs of former Dissention used to flow.

The Parliament had also been Encouraged by the Queen, in Her Majesties Letter, *Vide Folio 3d. of this Part*, at the Opening this Session, to Form such Security for the Church Government, as might fully Establish the National Church of *Scotland*; — For the Queen having, by long Experience, and the former Contention on both sides, seen, that an Union of Principles was no more to be expected, — but plainly seeing also, that, with the Assistance of Mutual Charity, that Difference in Principle might be Consisting with an Union of Interests, and Affection, among Her People, saw, at the same time, that the only way to Establish this Peace, was, to Form such Securities to both Churches, as might, for ever, remove

remove all just Ground of Jealousies, from among them, take away the Suspicions, and shut all the Doors against the Fears, which either had entertain'd of each other; and which wicked Men daily took hold of, as Handles of Contention, to keep open an Eternal Breach, and keep us always divided, *Ephraim* against *Judah*, and *Judah* against *Ephraim*; ever vexing and envying one another.

In this Posture, I say, stood the Affairs of the Church; when, in the Interval of Time, between the first Address to the Parliament, and the second Reading of the Articles, *Vide Minuts, Folio* An Overture, or Draught of an Act for the Church, was conceived, and on the of was presented to the House.

I shall not enter into a long Debate which arose here, both without Doors and within. 1. As to the Sufficiency and Insufficiency of the Overture, which, in some part, may be Answer'd, by saying, it received some Amendments or Additions afterwards, at the passing into an Act. Or, 2. As to any Act of Parliament being a sufficient Security for the Church; That Objection being raised at first, not by such as designed a better Security, but by such as really designed no Security at all, for the Ecclesiastical Establishment in this Nation: It is hard, That we must be forced to distinguish the Disputes in this Case, by distinguishing the Persons; for there being several Parties here, and of several Principles, who all seem'd to make but one Party against the Union, it was absolutely necessary to Examine who was for this, or that Argument; and, by the Man, the Reason of his Argument, was to be distinguished.

This Unriddled the Mystery, which appear'd in the Debates of this Time; when those that had really least Kindness for the Church, were the loudest, and appear'd the most Zealous for her Security: Nay, those that never owned, or acknowledged either her Discipline, or Government, never submitted to her Judicatories, or joyn'd with her Worship, were now every day crying out of want of Security, Exposing the Church to the Votes of the Bishops in the *British* Parliament, and giving the Episcopal Church of *England* the Ascendant over the Presbyterian Church of *Scotland*.

This Language could be no otherwise understood, but by distinguishing the People that spoke it; The very Party were Hieroglyphicks to the Dialect; and he must be blinder than most People are, in this Intelligent Age, that could imagine, these People spoke this from a true Design to obtain for the Church a farther or better Security, so much as to embarrass the Church and the State, embroil the Parliament with the Commission; and either prevent its being finished at all, or obtain what they generally drove at, in all their Managements now in the Affair; and, which was the only thing they could hope in, *I mean, A DELAY*.

But to leave this Matter a while, the Parliament was all this time Reading over the Articles, and Discourfing or Reasoning upon them, but had not yet come to any Vote; The Tumult at *Edinburgh*, was blown over, without the expected Event; we shall now see, that it was not in *Edinburgh* alone, that a Tumult was design-

ed, but Steps were taken, *and indeed Politickly enough*, to have the general Sense of the Kingdom to run in the same Channel.

To this End, Addressees were set on Foot, in several parts of the Kingdom, against the Union: I shall not pretend to crowd this Book with the particular Addresses, tho some of them are remarkable enough; However, I shall give *Specimens* of some of them to judge from, and to make the Matter, as I go along, the plainer.

And, among them, I cannot omit one from the Convention of the Royal Burghs; because some Gentlemen, especially in *England*, having valued their Opinion from thence, as if it were the Sense of the whole Nation: It is a little necessary, towards clearing up this Point, That, tho the People were screw'd up to a most Unexpected, and indeed Unaccountable Aversion; yet that, in the whole, the main Body of the Nation did not run the length which some of their Leaders desir'd of them, and which they would have had pass'd as their Act and Deed.

The Royal Burghs have a Custom in *Scotland*, that they act in a Body, and have a Convention, or Representative of their own, which meets upon Occasion at *Edinburgh*, and are convey'd by the Lord Provost of *Edinburgh*: To this Convention, every Burgh sends one Member, and the Burgh of *Edinburgh* two; Their whole Representative is sixty six in Number. — Now the Calculation which was observable here, was in the Number and Quality of the Burghs, which Voted in the Convention; The Address was carry'd by four Voices indeed, but the State of the Case is thus; Of sixty six Burghs, twenty Voted against Addressing, and twenty four for it, the rest were absent. But take the Quality of the Burghs, to make the Calculation by, and there the thing will discover it self as follows;

Take the Burghs that refused to Address, and these that did not think it worth while to appear; and the Majority against the Addressers, is, by the Proportion of *their Cess*, as eighty six to fourteen. Nay, suppose all those that did not appear to be Affirmatives, tho that be altogether improbable, and that they would have been for the Address, yet the Proportion had been, as thirty one to sixty nine. —

But if *the Rate of the Cess* be not a just Estimate of the Value of the Burghs, *tho I can prove it was the Original of their Right of being Burghs*; then I refer to any Man to calculate the Inhabitants and Number of Free-men in each Burgh, and he will find the twenty Burghs that refused to Address, have more Inhabitants in them, than both the twenty four that Address'd, and the twenty two that were absent, the City of *Edinburgh* excepted.

So that, upon the Foot of this Calcul, tho the Address may legally be called the Address of the Burrows; yet it did not follow, that the Trading Part of the Nation had Addressed, or were against the Union; for that, in an Arithmetical Calculation, or a Calculation upon Value and Payment of Taxes, the far greater Number oppos'd the very Addressing at all.

This

This is observed here, in order to clear up a Point hereafter; which will require a like kind of Calculating, on the Foot of the whole Nation.

The Burghs however, by this seeming Majority, did Address; and because the said Address is very particular, and contains in it all the Popular Arguments, which the Enemies of the Treaty had blinded the People with, *as before*; particularly of the Surrendering the Sovereignty, and Independency of the Nation, and Subjecting their Religion, Church Government, Claim of Right, Laws, Liberties, and Trade, to be Altered or Subverted by the *English* in a *British* Parliament; For this Reason, I have given you the Address it self at large in the *Appendix*, N°. D x.

I cannot, *I confess*, but wonder, how it was possible to impose things so absurd upon a whole Nation! And how so Great a People, so clear Sighted, and Wary in all other Cases, came, at this time, to run so apparently upon a plain Mistake! Since, as nothing is more plain, than that the Articles of the Treaty, and consequently the Great Heads mentioned in the above Address, cannot be touch'd by the Parliament of *Britain*; and that the Moment they Attempt it, they Dissolve their own Constitution; so it is an Union upon no other Terms, and is expressly Stipulate, what shall, and what shall not be Alterable by the subsequent Parliaments; — And as the Parliaments of *Britain* are founded, not upon the Original Right of the People, as the separate Parliaments of *England* and *Scotland* were before, but upon the Treaty, which is prior to the said Parliament, and consequently superior; — So, for that Reason, it cannot have Power to Alter its own Foundation, or Act against the Power which formed it; since all Constituted Power is Subordinate, and Inferior to the Power Constituting.

This is so clear, and has been so often Inculcated in this very Case, and is so Unanswerably Stated in the very Acts of Parliament themselves, *Ratifying the Treaty*, that I need say no more to it here.

But it was a strange Time now, and there was no making the least Impression upon the Minds of the People, *already prepossess'd*; — Nothing was to be heard now, but of Slavery to the *English*, running away with the Crown, taking away their Nation, and the like: — And it was impossible to Stem this Tide of Distraction for a Time; — It is true, that the Generality of the People came off from this Delusion at last; and the Unalterableness of the Union, if finish'd, began to obtain a little upon the Senses of the People; — The Truth is, the Demonstration of the Thing was so visible, that it could not but prevail; and the Best, and most Judicious, beginning to see into it, the rest of the People began, to sink under the Power of the Conviction, and so by Degrees the Scruple began to wear off.

Nay, the same People, who first argued against this Truth, *viz. Of the Parliament of Britains not being able to Invade the Treaty*, took it up themselves afterward, when it served their Turn, and strongly

urged it against Consenting to the Church Establishment on the *English* Side ; since it was a Confirming the Episcopal Power, and setting it up above the Power of a Parliament to pull down ; So *freely will Men accept of an Argument, when it serves their Occasion, which they will reject, while it seems to oppose their Interest.*

In the Ruines of this suggestion, another started up ; which, as it was capable of being Embarrass'd with greater Doubts, and with some, had Insurmountable Difficulties ; so, had not the Moderation of the Ministers Interposed, it might have been of far worse Consequence in this Case ; and this was a Scruple against the Union in Gross, as being directly against, and inconsistent with the Covenant ; and that therefore it could not be entred into, without incurring the Guilt of National Perjury.

This brought the Church into the General Appearance against the Treaty ; — Nor will I say, but that great Means were used, if possible, to bring the Commission then sitting, to declare against the Union, upon this Account.

This was a great Tryal of Skill ; and I say, this rose out of the Ruines of the other Scruple, because it was forcibly enough alledged, That, if the Constitution of this Treaty was such, that no Alteration could be suffered ; and that not the Parliament of *Britain* could infringe one Article of it ; Then this for ever shut the Door against the Possibility of their Assisting, to Reform the Church of *England*, which they alledged, by their Covenant, they were bound to use all lawful Endeavours to perform.

This, and submitting to the Jurisdiction of the Bishops in *England*, and who were to sit still in the *British* Parliament, and thereby owning the Agency of Spiritual Men in Civil Employments, they also alledged was against the Covenant : And consequently, if the Nation went into this Union, they incurred directly the Guilt of National Perjury ; and I allow, that a great many Good and Valuable People were very Melancholly upon this Head, and some are not easy in it to this Hour.

I cannot pass this thing here, without speaking to it ; because I foresee dayly Disputes do still arise upon this Head, and are like to do so every day, and I shall not interrupt the Thread of the Story by it at all ; rather it will seem necessary to be considered, in order to carry on the Course of the Story, some of which, particularly at this very Juncture, very much depends upon it.

I am not at all entring here, upon the Obligation of the several Covenants, engaged in by the People of *Scotland* ; 'Tis necessary here, for Argument sake, to allow them to be Obligatory, in as large a Sense as can be desired.

As to the being Obliged to Reform the Church of CHRIST in the whole Island ; — It is granted here, by the most severe Assertors of the Covenants Obligation.

1. That, *as is express'd*, they are to use all lawful Means only ; and that they are not to use any such thing as Force.

And

And the Reverend Doctor Rule, a Divine of great Candor and Learning, and Principal of the College of *Edinburgh*, has stated this Obligation very distinctly, as follows,

What we are bound to by the Covenant, is not to Reform them, but to concur with them, when lawfully called, to advance Reformation; And it is far from our Thought, to go beyond that Boundary, in being concern'd in their Affairs, we wish their Reformation, but leave the managing of it to themselves. Doctor Rule's second Vindication of the Church of Scotland, P. 16.

Now I think nothing is more clear, than that there is all the Room in the World for the Church of *Scotland* to concur in a National Reformation, notwithstanding the Union; Nay, they will be better Qualified for it, now than ever; in so far as they will, I hope, always have the Assistance of all Good Men in the South, both Dissenters, and Church Men, to Encourage them.

As to the Civil Power of Church Men, or in *English*, the Bishops Voting in the Parliament, and its being declared against in the Covenant; I will not Dispute the Suggestion, whether it be against the Covenant or no, the Discord lyes here.

One Party says, it is expressly against the Covenant; and that the yielding to it, and yielding to have the Church of *England* established by the Treaty, is setting up that very Power they were sworn to Reform, to the utmost of their Power, in all lawful Means; and these are the particulars, in which, they say, the Union is a Breach upon the Covenant, and has brought the Nation into the dreadful Sin of publick Perjury.

The other say,

1. They are not guilty of National Perjury; For that they conceive, the Union does no way oblige them further, than as before, in the Sense of Doctor Rule, to concur with all lawful Methods for Reformation, and to close with all Opportunities, which shall be put into their Hands for the Purpose; and this they are yet as free to do as before.

2. As to their Consenting to the Act for the Security, &c. of the Church of *England*, it is not against the Covenant, since it is not an Erecting a Church; Nay, it is not, in the least, a Recognizing or Acknowledging them that are Erected; — but 'tis a letting *that be*, which *was before*, and which they had no lawful Call, *the Thing expressly mentioned in the Covenant*, to concern themselves in Altering; They were not legally called to it, for they were legally, at this time, excluded on either side, from meddling in the respective Settlements of the Church, by the Queens Power.

And, at last, they alledge, that, in so far as the Covenant engages them against the Civil Power of Church Men, they did exonerate themselves fairly, in their publick Protest against the Votes of the Bishops, *viz.* The Representation and Petition, Rejecting, as far as in them lyes, all Submission to their said Power; and that they conceive, being not called to any other Opposition, they

have fully discharged their Duty as a Nation, and have, to the utmost of their Power, opposed it.

I think, this is a clear, tho' a short State of the Question ; And some of the most Conscientious and Pious, of both Ministers and People, on one side, thought the Case of the Covenant clear in this Point.

I know, there are others dissatisfied still, of whom I have only this to say, If they are certain it is a National Crime, I wish they would apply themselves to National Humiliation, and be found of them that stand in the Gap, to prevent GOD's Judgments, rather than forgetting that part, fill the Days with their Complaint of the Sin, — and only apply it, to make the People uneasy at the Occasion.

The Union is finisht : Even breaking it again, if that were in their Power, would not undo the Crime, if it be one ; and would, at the same time, involve their Country in a Thousand Calamities, Blood and Distresses.

I cannot be so Uncharitable, as to think, any Man that raises the Scruple we are now upon, would be willing to be thought to be moving the Nation, to break this New, and most Solemn Conjunction, and fall all to pieces again : I would then ask, To what end are publick Exclamations, and Excursions of the Tongue about it ? They can tend to nothing, but to keep the People in a continual Alarm, keep their Minds in a constant Perturbation and Uneasiness ; and 'tis a sad Work for any Man to be employed in, merely to disturb and distract his Country.

While these things were debating at *Edinburgh*, the Affair grew still darker and darker all over the Kingdom ; and they were far from carrying it with equal Temper and Moderation in other Places.

In the West, the People, called *Cameronians*, began to be apprehended as Dangerous, and that Cloud was diligently represented as very Black ; That, according to the Rash Wishes of some People, *whose Endeavours too had not been wanting*, they would fall into some Desperate Action or other on this Account ; — The Prejudices against the Union had reach'd them very early : Nor was it to be supposed, that these People, who were so diligent to Alarm the Country every where against the Union, and possess'd them with Fears and Jealousies of their Liberties, Trade, Crown, and Religion, would fail to fall to Work in these Parts, where they must needs know, the general Character of the People, was to be Tenacious of their Opinions ; and far from being always prescribed by the most Prudent and Moderate Councils ; — As to other Places, the Arguments were suited to the People, as to some, the Loss of Trade, to others Taxes, to these the Liberty, to those the Sovereignty of the Nation, so to these the great Pretence used, was Religion, the Danger of, not the Church, *for that many of them did not submit to or acknowledge* ; — But Religion in general, and these two Heads in particular, the Return of Prelacy, and the Breach of the Covenant ;

Covenant; However, they had all the very same things in their Allegations.

In carrying on the Design of Enslaving these poor People, great Artifice was used; — And, as if they had been prepared for the Design before hand, — they waited till the Articles were printed, which were formed by the Treaters in *England*, and the several Minuts of the Treaty.

When these were seen, a Number of these People got together; And tho they were not the Number by far, as was diligently reported, in order to make them Formidable; yet the Beginning might have been Dangerous enough, if it had been push'd on farther; what Number they might really be in other places, I could never learn so particularly, as to venture asserting it: But about Two Hundred Men, in a Tumultuous Manner, came to the Town of *Dumfries*, a Sea-port on the West-side of *Scotland*, about Twenty Eight Miles from *Carlisle*; — They came into the Town in the Middle of the Day, on the Twentieth of *November*, made a Fire in the Market Place, burnt the Articles of the Union, and burnt a Paper with the Names of the Commissioners of the Treaty, and fixed another Paper of their own upon the Cross; and having done thus, they march'd off, and dispers'd themselves peaceably.

This Paper indeed was no less Seditious in its Nature, than the Attempt was Insolent and Daring.

When the Report came to *Edinburgh* of this Tumult, the Concern of those, who wish'd well to their Country, was very great, and Wise Men began to give the Design of the Treaty for lost; They knew the unhappy Temper of those Honest People; for such, however, I must call them, because I believe their Intention is Religious and Honest, tho they may be mistaken, and, no doubt, are mistaken, in their Principles, about Government and Obedience; But, as they knew, I say, the Temper of these People, how Tenacious of their own Sentiments, and how Precipitant in their Prosecution, it bred no small Concern in the Minds of all People, who were inclin'd to Peace; Concluding, That the Party, who oppos'd the Union from worse Principles, had gain'd their Point, *viz.* To employ the Hands of Protestants, one against another, in this Dispute, and make the Honest Meaning, but Warm People, the Tools to Ruine both themselves, and their Country.

There were not wanting, at the same time, People, who diligently spread Extravagant Rumours of the Numbers of these People; Some said, that there were Six Thousand Men in Arms at the Place; others, that Two Thousand Horse only came into the Town; and that Five Thousand Foot stood ready, in the Hill Country, to March with them, as Occasion should require: Others, that the whole Body of them were up; and that the whole West was in Arms, and at least Twelve Thousand of them were to March for *Edinburgh*, to raise the Parliament; and that they had publickly declared, they would Sacrifice the Treaters, as Betrayers of their Country, and Sellers of her Liberty and Sovereignty.

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To back these Reports, the Paper they fix'd up at *Dumfries* was officiously printed, and at the End of it, a Postscript, signifying, *That this Paper was publickly read from the Market Cross at Dumfries, about one of the Clock Afternoon, on the Twentieth of November One Thousand Seven Hundred and Six, with great Solemnity, in the Audience of many Thousands, the Fire being surrounded with double Squadrons of Horse and Foot in Martial Order.*

The printing of this Paper was resented by the Government, and the Printer fled from their Hands for the present; but this, as all other insults of this Nature, were no farther prosecuted, the Government choosing rather to pity and overlook the Follies of the People, on this Occasion, as what they saw was politically Enflamed by a Party, who only sought to Embroil the Nation, and bring the best of the People to fall out with one another, that the Game might be made up out of the Destruction of both.

By this Postscript above, may appear to any Unbiass'd Person, the Artifice made use of, to magnify every Story, to encrease the Terror of the People, and, if possible, to encourage the like Confusions in other Places; For, as to the Fact, 'tis true, there were a Rabble of Country People, to the Number, as above, of about Two Hundred; I could never find, that they deserved to be called more; — That there was any such thing, as Squadrons or Companies, either of Horse or Foot, or any Martial Order, such as Officers or Commanders, or any thing like Troops, was a manifest Forgery, on purpose to Amuse the Nation, and make the People Believe, what they really had some Ground to Fear.

I must also do those People in the West this Justice, that, tho' great Endeavours had been used to Exasperate them, and they were heartily against the Union, as appear'd, upon all Occasions; — But when they came to see a little into the Hands that were at Work against it, and with whom they were like to joyn, even the Hottest among them came to themselves, and to give them their Due, they behaved with great Calmness and Discretion; nor could they be brought into any Precipitations or Extravagancies, as was dayly threatned; — Mr. *John Hepburn*, their chief Leader and Minister, had been Reflected on, as one that had Inflamed and Animated them to rise and take Arms, and that had been said to threaten the Parliament; — when he was Discours'd with by some, who were under Concern for the publick Peace, it discovered the Frauds and Falsties of those Suggestions, and how they were spread about to serve the great end of the publick Disorders, and only amuse the World; for he declared himself readily, that indeed they had Apprehensions, that the Union would be prejudicial to them; that they did not like the Articles, and thought the Treaters had not done their Duty, and the like; but that, as to their having any Design to disturb the Government, or to appear in Arms, it was an Abuse upon them; They had no such Thought, nor should they do any thing, but in a National Way; much less would they adhere to,
or

or encourage the Designs of a *Jacobite French Party*, whom, he declared, they abhorred, and would never joyn with.

I think this is a plain Demonstration of the Truth of what I have alledged all along this Story, *viz.* That there was a busy Party, who run thro' the whole Country, by all possible Artifice, to Agitate and Disturb the Minds of the peaceable People; and, if possible, to bring them first to mistaken Notions about, and Aversions to the Union in general; and then, to pursue those Aversions, by all possible Methods of Distraction and Confusion; and that this might bring the Honest and Well-meaning People of the Nation, either by their Numbers and Interest, to overthrow the Treaty; or, by their Folly and Miscarriage, to overthrow themselves, and so to weaken both.

But GOD's Goodness to this Innocent People disappointed them here, and we never found the least Tumult or Disorder on this side afterward, to the particular Mortification of the Party that hoped for worse things from them.

The Declaration therefore, or Protest, which they posted up at *Dumfries*, and which the Party handed about at *Edinburgh*, as a great Instance of what they hoped for from them, is rather published here, as an Example of the Notions they had poisoned the Minds of the People with, than as the Sense of the Nation, in the Case of the Union, and a Sketch of what they endeavoured to obtain from all the rest, *Appendix, N^o. E x.*

We are now, in the Process of this Affair, come on to the middle of *November*; — I must desire the Reader, to go back a little to the Parliament; They had begun to read the Articles the second time, in order to Vote on them; The beginning was a remarkable Debate, and held for several days, as will appear in the Minuts.

The first Article was like putting the previous Question, *viz.* Whether there should be an Union with *England*, in the Sense of the present Articles, or no: That is, whether there should be an Incorporate Union of the Nation into one Kingdom, to have but one Name, Head, Signature, Constitution and Parliament, Yea or No.

The Manner of this Question, and the Difficulty with which it was carried in the House, I refer to the Minuts, *Folio* But I cannot but observe one significant *Omen* of the future good Success of this Treaty, and which, I must owne, very much encouraged me to think it would go on, notwithstanding all the vigorous Opposition it met with, was, That it was Voted on the most remarkable Day for Publick Deliverance, that ever happened to this Island. I am as far from laying any Stress on such insignificant Circumstances, as any Man; and I know, they can have no Efficiency in the bringing to pass the mighty Events, which may be usher'd so into the World; and therefore I bespeak the Reader to note this, not as a thing I lay any real Weight upon.

And yet it was impossible to observe, without some Emotion of the Mind, and without some Presage of the good Issue of this Matter;

That the first Article, being the Great and Essential Part of the Union, was Voted and Approved on that remarkable 4th Day of *November*, which was made happy to *Britain*; First, By the Birth of the Great and Immortal King *William*, to whom these Nations owe so much, that they cannot look on their Church Restored, the Bloody Persecuting Race of Tyrants Abdicated and Fled, Cruelty and Prelacy Dethroned, and all the Mischiefs of a Ruin'd Nation Vanished, and not Bless the Memory of that Great Agent of GOD's Goodness to them, without remarkable Ingratitude both to GOD Himself the Original, and to that Glorious Instrument of our Felicity the King; — Nor was it this alone, which rendered this Day remarkable to us, but also, that the great and remarkable Revolution of *Britain* formed in, and founded upon the Expedition of the same King *William*, bears Date from this Time, being the Day which he first Landed on at *Torbay* in the West of *England*.

It could not but be a pleasant Reflection to those, who remembered the particulars of these things, to find, that, without any previous Calculation, or Direction of Men, the Concurrence of Causes should so effectually jump, for the bringing to pass the most remarkable Transactions of *Britain's* Establishment on the same Day; That her Deliverance from Tyranny, and the many many Oppressions of a most Cruel and Barbarous Generation, that Aim'd at suppressing the Foundations of Liberty, and Overthrowing the Constitution of both Kingdoms; — And her Deliverance from private Antipathies, the Peace of her Inhabitants, and the great Conjunction, *WE HOPE*, of the Hearts and Affections of Two Nations, which, for many Years, had been filled with the most Fatal and Inveterate Aversions, should take their Rise together, and Date their Beginning both on the same Fourth of *November*; and both on that very Day, when the Great Instrument of her Deliverance, by whom she was put in a Condition to bring all the rest to pass, was born into the World. Happy Day! Happy to *Britain*! Happy to all *Europe*! Since the Events of this Birth, the Actions of Heaven in the Hand of this Prince, have been the Foundation of all the Glorious Things, which have since happened in *Europe*, and of the Humbling the Great Thunderer of this Age, who had Established his Kingdom in the Destruction of the Liberties of *Europe*, and in a View of the Subversion of the Protestant Religion.

It was, on this Happy Day, that the first Article of the Union was pass'd in the Parliament, after Infinite Struggles, Clamour, Railing, and Tumult of a Party; who, however they endeavour'd to Engage the Honest Scrupulous Part of the People with them, yet gave this Eminent Discovery of the Principles of their own Actings, in that there was an Entire Conjunction of the *Jacobite*, the *Prelatick*, and the *Popish* Interest, in this particular; and the very Discovery of this, opened the Eyes of a great many People, who, in the Simplicity of their Hearts, had joyned in the general Opposition to the Union; but, when they saw the Tendency of Things, and whither it all led, when they saw the Society they

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were going to Embark with; when they saw the Enemies of the Protestant Settlement all Engag'd, and these very People, who had filled the Land with the Groans of Oppression, and the Cries of Blood, — coming to Joyn Hands with them, against an Union with *England*; when they saw, that, to shun an Union with Christians, they were, of Necessity, to come into an Union with Devils; Men that had Transformed themselves into the very Infernal Nature, and visibly Acted from Principles, in this particular Diabolical, in that they Tended to Erect the Absolute Subjection of Nations to the Lust, and Unbounded Appetites of Lawless Tyrants; when they saw these things so plainly, we then found an Alteration, and the best, the most thinking, and most Judicious People, began first to stop, and consider, and afterward wholly to withdraw from the Party; and the Clamour of the People, as if come to a *Crisis*, began not to be so universal, but to abate; and the more it did so, the more the secret Party, who lay at the Bottom of all the rest, began to appear, and distinguish themselves.

The first Article being past, the Hopes of the Party depended upon Debating the Matters of Taxes, Excises, Customs; and, as far as possible, setting up the Popular Arguments of Care for the Poor, — the Impossibility of paying Duties, the Incapacity of the Trade to support Excises and Customs, and the like; and here they had Recourse from one Shift to another, and, like True Souldiers, tho in a Bad Cause, they fought their Ground by Inches.

From Article to Article, they Disputed every Word, every Clause, Casting Difficulties and Doubts in the way of every Argument, Twisting and Turning every Question, and continually Starting Objections to gain Time; and, if possible, to throw some Unsurmountable Obstacle in the way.

The Consequence of this was, making Amendments to the Articles; Nor was it a small Disappointment to them, when they saw the Parliament willing to come into Amendments; and when, by the Prudence of the Committee, Appointed to make Calculations, and Examine those already made, it appeared, that their Objections were either Answer'd and Confuted, or the Clauses so Rectified and Amended, as that they had no more Room to fasten any of their Cavils; They were intirely Defeated, and the Disaster was particular in this, that it shew'd still the more plainly to the World, that their Design was not to be satisfied in the Amendment, and Alteration of what they Objected against; but, in having something to demand, that would not, or could not have been reconciled.

This caused a great many Trifling Emendations to pass, which, in themselves, had not Signification enough, either to deserve the Name of Objections, or to need any Disputing.

'Tis evident, the Design was to load the Treaty with a Multitude of Amendments; Among which, it was to be hoped, some might be found, which the Parliament of *England* would Scruple; or, at least, that it would be a Precedent for the Parliament of *England* to Consider the Treaty, and make more Amendments; which being

to come down to *Scotland* again, to be considered here, would bring another Sitting on of Course; when, by Delays, the Time fix'd to the First of *May* might be elapsed, the Season of the Year advance, which hitherto had not favour'd them for the Riots and Tumults of the Country; and, in this Delay, they might find further Advantages.

How their future Actions conformed to this Suggestion, and how they were, in every Step, disappointed, is the next thing to be discours'd on; — But I must Adjourn it a little, and Return to the Affairs of the Church, which were, at this time, in equal Agitation, proportionably considered; and the Party who opposed the Union, used all possible Artifice to bring things into Confusion there, in which they discovered a double Mischief in their Design, 1. To bring to pass the grand Design of Obstructing the Treaty. And, 2. if possible, to make the Disorders they aim'd at, take their Rise in the Churches Dissatisfactions; by which last Thing, two other Ends would have been obtain'd.

1. They would have fix'd the Scandal of all the Consequences, even of their own rashest Actions, upon the Church.

2. They would have drawn in Multitudes of Zealous, but Innocent People, to have push'd on their Designs blindly, imagining they had been Acting for the Church.

But, as before, so even now, the Prudence and Steadiness of the Ministers, in the Commission of the Assembly, defeated all the wicked Designs of this Party; — For tho there were, in the Commission, a great many Ministers, who were sincerely and heartily against the Union, — yet they were not to be drawn in to Act with so much Imprudence, as the Projects of that Party designed; and therefore, what ever of Heat, or unhappy Warmth, at several times, happen'd there; and which, at one time, was feared, would have gone higher, yet the Temper and Sincerity of the main Body, both Ministers and Elders, always over-ruled, and, in good time, suppress'd it.

I have already given you the Address, which the Commission of the Assembly gave in to the Parliament, in order to obtain a Security for the Church. — This Address effectually Answer'd the End of the Ministers, in that it obtain'd a Vote in Parliament, *November 2d, viz. That, immediatly after the first Article of the Union was Voted, the Parliament will proceed to an Act for the Security of the Doctrine, Discipline, Worship and Government of the Church, as now by Law Established within this Kingdom.*

All this Time an Overture, or a Draught of an Act, Intituled, *An Act for Security of the True Protestant Religion, and the Government of the Church, as by Law Established within this Kingdom*, was Read, and Ordered to be Printed.

While this Overture was preparing in the Parliament; and after it was printed, there was no small Endeavours used to possess the Minds of the People, that it was not a sufficient Security for the Church.

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There had been some Suggestions spread, that the Parliament would put them off, without effectually securing the Church; and all possible Care was taken to improve this Notion, and the People were agitated on that Head, as much as possible: Some said, the Overture ought to have been drawn up by the Commission, not by the Parliament; and that it was leading them on in the Dark, with a general Vote, that an Act should be pass'd, without letting the Church judge, what was sufficient for her Security, and what not.

It was urg'd against this, That the Commission had mentioned in their Address, the Heads in which they ought to be secured; and there was no doubt, but the Parliament would make that Address the Foundation of the Act of Security; That, if there was any thing wanting, they would have time enough to renew their Address, for the adding such things, as they judged reasonable; and that therefore they ought to stay, and not Interfere with the Proceedings of the Parliament, whose proper Work it was, to prepare their own Acts.

But this did not satisfy some People, who insisting on the Commissions concerning themselves in it; The Committee for Publick Affairs moved, *October 25.* in the Commission, that some Members might be appointed, to see what the Parliament Men had prepar'd for the Security of the Church.

This was the Time, in which the Debates in the Commission run highest, and when some of the Elders, taking Offence at the Warmth of some of the Ministers, withdrew themselves from the Commission; — But wiser and more moderate Heads interposed, and prevented the ill Consequences of these things, as will afterwards appear.

Upon Inspecting the Overture for Security of the Church, and Viewing the Provision made there for such Security, the Members of the Commission, who were appointed as above, Reported, That there were some Difficulties remaining, which they desired might be Considered.

These Difficulties began a warm Debate in the Committee of the Commission, which were Reported as Considered by the Committee; and are as follows,

1st, That it would seem, That the Sovereign of *Great-Britain*, in the Coronation Oath, is to be Sworn to Maintain the Rights and Privileges of the Church of *England*, as by Law Established, without any Respect to the Church of *Scotland*. 2^{ly}, That, by the Oath of Abjuration taken in *England*, obliging to Maintain the Limitations of the Succession, and Qualification of the Successor to the Crown, the Taker seems to be obliged to endeavour, to the utmost, the Seclusion even of such Protestants from the Crown of *Great-Britain*, who are not of the Communion of the Church of *England*, as now by Law Established there. 3^{ly}, Several Difficulties being propos'd, with relation to Oaths, it was discours'd, how a Bar may be put to the *British* Parliaments Imposing Oaths upon the Ministry and People

ple of *Scotland*, Inconsistent with the Principles of this Church.
 4ly, That the People of *Scotland* may be exempted from the Sacramental Test, in Use in *England*, which secludes all from any Office in *Britain*, or Benefit from the Crown thereof, who are of the Communion of the Church of *Scotland*; and some other things, which was thought, might be uneasy, and of Dangerous Consequence to this Church, if not provided against in the Conclusion of the Union: And these things being Discours'd upon at great length, were again Referred to the Committee for the Publick Affairs of the Church, to be further Considered, and they to Report.

The Committee, to whom this Affair was Referred, Reported, That they have had several Meetings, and Discours'd at great length upon the Four Particulars relating to the Union, and heard several Ministers and others upon their Scruples thereanent; and likeways upon a Fifth Particular, That the Constitution of the *British* Parliament, where Twenty Six Bishops do Sit as Members, seems to be Inconsistent both with the Principles of Presbyterians, and the Covenants and Engagements of this Church and Nation.

It would be too long to set down here, how the Commission was daily Besieg'd with Clamours and Cryes, raised upon the Jealousies of the People; — And how they were urged to all manner of improper Resentment, upon the Allegations now raised against the Security of the Church, as it was offered in the Overture: This Debate rising so high, I think it not improper to print the Overture itself, as it was first drawn up, as well as when it was with Amendments Engrossed; The first Draught therefore you will find in the *Appendix*, N°. F x.

I shall forbear entring here into any of the Heats and Indecencies which passed upon this Debate, since they came to no Extraordinary Height; and the Wisdom and Forbearance on both sides, prevented the Evil Consequences which some hoped for from them.

The second Address of the Commission had its Birth in these Disputes; and tho the Enemies of the Union expected great Things from it, yet, as it came out quite another Thing than they designed, having been reduc'd to Shape, and strip'd of all its Monstrous Figure, in which it was expected to come into the World, it had two Consequences, which serv'd to assist even against the Party, that promised themselves so much Good from it.

1st, It convinced the World, That however it was spread abroad, that the Commission would violently oppose the passing the Act of Security, as a Thing of no Consequence, and so put a full Stop to the Work; it was evident, the Commission was not to be Blinded by Out-sides, nor Screwed up by Parties; but that, Calm and clear Sighted, they would go on, in all Cases, with the same Gravity, Consideration and Temper, which they had shown from the Beginning.

2ly, It obviated the great Debate about the Church here submitting to the Episcopal Jurisdiction of the Church of *England*, or to the Votes and Suffrages of the Bishops in the *British* Parliament, in that

that, tho they did not Interfere, or Prescribe to the Parllament, yet they Exonerated their Consciences, and the whole Church of Scotland, by making, as it were, a Protest against it, as what they would not be understood to Comply with, either now, or by any Action in time coming, which should be the Consequence of the Union.

Thus the Difficulties, tho resolv'd to be presented to the Parliament, yet came out in a Modest and Humble Dress, suitable to the Dignity, as well as Distance, of the Assembly, to which, and from which, it was presented; and yet it came out in a Dress, which some Gentlemen of the Commission, particularly of the Ruling Elders, did not Approve of.

Some would have had this Address been called a Protest, but the Moderation of that Reverend Assembly crush'd that Motion; and after some Debate, it obtain'd the Title of the Representation and Petition, — and was Resolved on in the Commission the 8th of November, and the same Day presented to the Parliament. The exact Copy of this Paper, you will find in the *Appendix*, N^o. G x.

When this Paper was Agreed on in the Commission, the Earls of *Roths* and *Marchmont*, Lords *Polwarth* and *Forglen*, Sir *James Campbell*, the Lairds of *Jerviswood* and *Ardrinlass* younger, and several other of the Gentlemen, who Sat there as Ruling Elders, Declared their Dissent, and Entered their Protest against it, taking Instruments in the Hands of the Clerk of the Commission; and promised to give in the Reasons of their Dissenting, which accordingly they gave in on the 15th of November.

Upon the giving in these Reasons by the Elders, the Commission appointed a Committee to wait upon the Elders; and to know, if they insisted upon having their Reasons for Protesting Recorded; and to signify to them, That, if they did, the Commission would be obliged to draw up their Answer to those Reasons, and to Record the same likewise.

The Committee never obtain'd an Answer from the Gentlemen, in a Body; but as many as they met with, gave for Answer, That they did not insist positively on it, but left it to the Commission; either to Record it, and Form Answers to it, or not, as they saw most proper.

The Committee having Reported this, the Commission did, at last, think fit to Record the Protests, and the Reasons annexed, and drew up their Answers to them, tho they waited two Months before they entered it; which, because they are very material to a right Understanding of the present Debate, I have annexed to this Work, in the *Appendix*, N^o. H x I x.

I think the Reasons and Answer are a sufficient Comment upon this Text; and whoever pleases to peruse them, will see, that tho the Designs of wicked Men pointed much farther, yet the Commission, both Ministers and Elders, were wholly influenc'd by Principles of Peace, Honour, Conscience, and the Good of the Church.

I know, some thought the Church went too far in this Affair, and especially in the Matter of the Sacramental Test, which seem'd a Thing perfectly remote to them, and what they could have no Concern at all in; And the Gentlemen, in particular, were yet more willing than the Ministers, to have let both that, and the Matter of the Civil Power of the Bishops quite alone.

But if we shall consider, how the Ministers were dayly besieg'd, *as before*, with the Importunate Violences of the People; How many among them really, thought this part in particular directly against the Covenant; and how, by false Reports, many had been so Imposed upon, as to Believe the Sacramental Test in *England*, extended even to the Members of Parliament, which should be sent from *Scotland*.

When, I say, they consider the Fears and Jealousies, which overspread all sorts of People; and how far the Artifices of a wicked Party were, at this time, in their Meridian, and had inexpressible Influences on all sorts of People, they will, with me, admire, that the Commission was able to maintain their steady Resolution; How they Work't thro' those Flouds, and kept the middle way with Temper and Moderation, to preserve themselves from the Snares laid for them.

All these things considered, it was, in most Peoples Opinion, a Victory gain'd, and the Party received a manifest Disappointment, even in this Representation, in that the Commission could be brought to no Precipitations, as some People flattered themselves they should.

However this may be the general Opinion, I know some People took ill the Length they went in this Affair, and thought they exceeded their proper Sphere; — But, I believe, those Gentlemen are very well satisfied with the Unanswerable Arguments drawn from hence against those, *who, not content with this Length*, thought to Upbraid them with Forgetting the National Obligation of the Covenant, which they fairly quitted themselves of by that Article, in which they declare Civil Places of Church Men to be not submitted to by them, but against both their Covenant and Consciences, and so have fairly Exonerated the Church from that Affair, which stuck so near her.

The Representation was presented to the House, just when the Overture for the Security of the Church was under their Consideration; and however it did not, at present, meet with a very favourable Reception, even by those who were the Churches very Good Friends, who thought, *as before*, they run it too high, and also ill tim'd it; yet neither did the Gentlemen wholly omit the things requested therein, tho they seem'd to sleep for some time; but particularly the Clause about the Valuation of Teinds and Plantation of Kirks, which they pass'd an Act for by it self: The Matter of Oaths seems also settled in the Amendments to the Overture: The other, as the Matter of the Sacramental Test, and the Suffrages of Bishops

Bishops in the *British* Parliament, was silently let fall, as things they could, by no means, meddle with in the Treaty.

Here the Opposers of the Union met with another Disappointment; For, had these Two Articles been insisted on, they knew the Event would have been a Rupture of the Treaty, and their great End had been Answer'd, *viz.* To obtain the Parliament to demand something, which they knew *England* could never grant.

Thus this Storm blew over, the Act of Security for the Church was Voted, and laid by to be annexed to the Articles, and made part of the Union, as shall afterwards appear.

As this had made a great Noise in the Assembly, so it had been no less canvassed all over the Nation: Some condemned the Assembly in the main, and pretended to censure them publicly, for engaging themselves in Matters, that had so plain a Tendency to breaking up the Union, and desiring the Parliament to concern themselves in those Affairs in *England*, which could really admit of no Debate in this Case.

But, as if the Commission wanted the Authority of their Constituents to back them in their Proceedings, and to justify their Conduct, the respective Presbyteries in the Country began to come in with Letters, or a sort of Addresses, testifying their Approbation of what the Commission had done, &c. But the Commission diligently avoiding every thing that was Tumultuary or Popular, gave a cold Answer to them; as particularly, to that of *Dumfermling*, who subjoyning to their Approbation of the Petition their Desire about Fasts Publick and Private, as in a Time of Impending Dangers; The Commission Resolved, That *their Act about Fasts past before, did sufficiently Answer the Presbyteries Desire*, and so took no notice of the rest; which prudent way of Proceeding stopt that Design, which seem'd to be only to make the Representation as Popular as they could, that it might, on the one Hand, encourage further Petitions, and secondly oblige the Parliament to come into their Measures.

While this was thus carrying on in the Commission, the Country began to be very Uneasy, and Threatnings came in every day, of coming up in Armies and Rabbles, to raise the Parliament, and to desire, that the Church might be secured.

The Presbyteries of *Glasgow* and of *Stirling* sent Letters to the Commission, containing Heads of Grievances, and representing several things, which they desired the Commission to demand of the Parliament, for the Churches Security: — *Dumfermling*

To this the Commission of the Assembly answer'd, That they had done, or were now doing, all that was desir'd in their Letters.

An ill natur'd Motion was made in the Commission also, to send Circular Letters to all the Presbyteries, to send up their Members to the Commission, and a Committee was appointed to consider of it;

— But this occasioned such Variety of Debates, That the Committee could come to no Resolution, but referred it back to the Commission, and there it dropped.

This was a plain Design to renew the Debates; and, if possible, to bring the Commission to protest, or declare themselves against the Union.

The Representation was now before the Parliament, but, as yet, they took no notice of it; and it was apparent, That they pursued their Treaty, for some time, without any respect to the said Representation; and indeed it was foreseen they would do so, the Gentlemen easily seeing, that, if these things were insisted, it was just a Resolution to break off the Union.

The other Party eagerly Reported about Town, That it was a Disrespect to the Church, not to regard her Solemn Representation; and then the Consequences of the Bishops Voting in Parliament were laid forth, and the Danger of the Church was now their general Discourse: Some were alarm'd with this *Chimera*, That the Parliament had not a sincere Respect for the Churches Safety; That the Gentlemen had no great Concern about the Matter, and so the Church would be Exposed to her Enemies, by the Negligence of her Friends.

But the Commission saw thro' all this; and having done what they thought their Duty, both for the Churches Security, and for the Exonerating their Consciences in the Cases they could not comply with, they resolved to stand still, and leave the Consequences of Things to Divine Providence, without pushing at Things Impracticable, or such Things as tended only to Division.

This Steadiness of the Ministers broke all the Measures of the Party; Their Hopes to Embroil the Ministers with the Parliament vanished; — And the Discourse of the Representation or Petition began to grow old and die.

The Commission had their Hands full of their Representations of another sort, about the Growth of Popery, the ill Practices of some of the Deposed Ministers, and the like, and so it wore off by Degrees.

I mention, in this Account, the Prudence and Moderation of the Ministers so often, not that I design to write Panegyricks here, much less to flatter the Persons of the Ministers; but who ever knew the Management of that Time, and reflects back on the Particulars, will easily joyn with me in this, — That there were several parts of Management practised upon the Ministers, in order to ruine their Counsels, besides what the Open Debates of the Commission discovered, and particularly such as follows,

1. There was a Design, if possible, to bring the Ministers into a general Declaration against the Union, as dangerous to their Liberties, inconsistent with their Principles, and contrary to the Obligation of the National Covenant; *Of this I have spoken in the Course of the Story.*

2. There was a manifest Design to bring them to a Rupture among themselves; and that, if possible, supposing the Union should proceed, or not proceed, the disagreeing Party might be brought to a breaking off, or dividing from the rest, and so form a settled stated Dissent, or Breach in the Church; — Nor was this

a thing of small Consequence ; For it was really big with a large Variety of Mischiefs, and very cunningly contriv'd ; Snares were laid for the whole Body, not of the Assembled Ministers only, but the Constitution of the Church of *Scotland*, whose Destruction was almost visible in the Project, had it met with Success.

Had the Union been compleated without the Concurrence of the Ministers in Commission, — either the Church Affair must have been left out, or the Enemies of it would have always said, it had been settled without her Approbation, and consequently the Settlement been both Imperfect and Illegal.

Had one Party declared for the Union, and another against it; and, had both those Parties adhered to their respective Declaration, by any publick Separation as a Party, the House had been divided against it self, and the Consequence would have been hoped for with but too much probability.

In this very Case, the Prudence of the Ministers, I say, was remarkable, and next to the Wisdom of Providence directing, was the only means of preventing the Mischief contrived : It is not to be doubted, but, in the Commission of the Assembly, and among the Ministers without, there were men of various Sentiments, some against, and some for the Union ; But their Wisdom was particularly seen in this, that however they differed in the debating things, they always concurr'd in every publick Act of the Commission, and made no Division for nor against it.

We find but one Protest in the whole Affair, which was in the Case of the Representation and Petition ; and this began among the Ruling Elders, and continued there ; for none of the Ministers ever adhered to that Protest, but even those that were against some parts of the Representation, yet, seeing themselves out-voted, acquiesc'd ; Nor was all the Representation objected against by any Body ; — It was a Paper, I doubt not, some hoped to draw Mischief from, yet that Mischief had its Disappointment effectually, tho the Paper had its Success, in being carryed on ; for it appeased the Minds of many, who, being satisfied of having Exonerated their Conscience, acquiesc'd in other Cases with the more Freedom ; Nor was the Representation in general without its Particular Reasons to be assigned for it, as is further express'd in the Sequel of the Story : As to the Ministers in all other Cases, how warmly soever they debated, and with whatsoever Firmness the several Ministers adhered to their Opinions, yet they submitted their Votes to the Plurality, and all things were carryed in a regular and orderly way, to the great Disappointment of their Enemies, and to the great Ease and Satisfaction of all good Men of every Opinion.

Nor should I do Justice here to particular Persons, if I did not acknowledge, and record it to his Honour, That much of this is justly due to the Prudence, Patience and Temper of the Reverend Moderator Mr. *William Wisbart*, then Minister of *Leith*, who was Moderator of the Assembly, and also of the Commission, and who

acted the true Moderator in all these Disputes wisely, Calming, Tempering, and with Difficulty enough, Reducing the warmest Debates to a Method of Conclusion; — And I must owne, he had a Task of no small Difficulty, tho he had, no doubt, the Concurrence and Assistance of the Men of most Candor, Temper and Judgment on either side, since it could not but be visible to every Thinking Man, who had any Concern for the Good of the Church, that, to run any Differences up to a Head, could issue in nothing but the utmost Confusion, gratifie the Enemy, grieve all Good Christians, and in the end ruine the Peace of the Church.

And this Remark of mine is the more just, in that I could not but observe, that the Debates on these Affairs had sometimes that unhappy Warmth, that they seem'd to tend necessarily to a Breach; and to come to the very point, and Lookers on, of whom I was one *with a sad Heart*, expected something Fatal, not to the Union only, but to the whole Church, must unavoidably have follow'd every Debate; — and yet we always found cooler Thoughts prevailed, and wise Men yielding this way and that, continually maintained a Harmony, in concluding what ever there was in debating.

Another piece of Conduct was very Instrumental to preserving the publick Tranquillity, *viz.* That the Ministers generally speaking, kept these Debates out of the Pulpit; For tho all manner of Society was taken up with Disputes of the grand Affair, the Pulpit was very free of it; I say, generally speaking, what Indiscretions there were, had not Influence enough on the rest, to recommend the Example; — Particularly, I think it was a very great Wisdom in those Ministers, who were for the Union, and who had many Prompters to it, had the Government to countenance them in it, and Enemies enough to catch at it, if they had; I say, it was their Wisdom that they forbore it; — And I think these happy Consequences followed to prove it so.

1. It took away all pretence from those People, who designed, in this unhappy Game, to play one part of the Church against the other, and set up one side against the other more effectually.

2. It took away the Ground of Pulpit Clamour, and kept those People silent, who, had it once begun there, would have been loudest by far in the Exclamation; — For, had one Party first preached for it, the other would, of Course, have preached against it, and so the Pulpit been made a meer Stage of Contention.

But, on both sides, the Ministers, as well on private as publick Days, let it generally alone; They prayed for Direction and Blessing on the Parliament, and on the Meeting of the Ministers, as transacting difficult and doubtful Cases, but avoided entring into Debates.

I think I do them nothing but Justice therefore, in hinting, that the Temper and Calmness, with which the Generality of the Ministers behaved in this nice Occasion, was very great, and contributed very much to the quiet carrying on the great Work.

Soon

Soon after this, the Country Tumults came upon the Stage; and, as it was a *Peculiar* to this Treaty, that the very Methods taken to ruine it, concurred to press it forward; so these Tumults served to open the Eyes, and calm the Spirits of abundance of those honest People, who were prejudiced before; who, tho they were willing to oppose the Union, as what did not correspond with their Opinions, and as they thought with the publick Good; yet, when they saw it going to Arms, Rebellion, and Blood; and when they saw *this farther*, that, in order to oppose this National Conjunction, they were to joyn in a Civil War against their Governours, with their and the Nations known Enemies; Their Eyes began to open, and they slackned very much, from that time, their Appearance against the Treaty.

This manifestly shewed the difference between the Men, who, in the Singleness of their Hearts, opposed it, as apprehending it unsafe for the establish'd Church, and inconsistent with their National Engagements; and those, on the other Hand, who opposed it, as contrary and fatal to the Popish Succession of *James VIII*, as they called him, and the Episcopal Hierarchy: — And these differed just as the *Two Harlots* in *Solomons* time; — The true Mother of the Child chose to lose her Possession of him, rather than that the Child should be murdered; so these faithful Friends to their Country, however possessed against the Union by the publick Clamour; yet they would choose to suffer the Inconveniencies they feared, rather than see their Country involved in Blood, a Civil War breaking out in the Bowels of the Kingdom, and Forreign Popish, or Tyrannical Powers invading their Privileges, and pulling down all before them.

This will appear to be the Case, in the farther pursuit of the Story; and the sight of this affected the Hearts of a great many of those, who had any Compassion for their Country; and from this time forward, the Commission met with less Disturbance from the hot People on these Heads, but went on calmly, and with all the Temper and Moderation that could be expected.

The Letter from the Presbytery of *Hamilton* gave them some little Disturbance, but it was soon over; and their Circular Letter to Presbyteries, to endeavour to preserve the publick Peace, not only shewed their own Resolution to keep all quiet and peaceable, but discouraged all Endeavours afterward to disorder them: Of which by it self. —

But things were now grown to a strange Height; and the same Engines, who so boasted of the Effects of the Representation and Petition above-said, shewed themselves not idle in their Management of Affairs abroad; for they carryed on the Discontents of the People to all possible Height.

And indeed the Case of the poor common People of *Scotland* was very hard, in respect to their Share in these Matters; They are not the only common People in the World, who take Things by whole Sale; and who being inflamed with the Clamours and Arguments

guments of the more knowing sort, their Land-Lords, Leaders, Heads of Families, and, *as they too properly call them*, MASTERS, and alarmed with Out-cries of Dangers, and Distresses; which were to come upon them by the Union; Things which they could not Answer, nor had any Reason to question the Truth of, seeing their great Men possessed with the Belief of them: 'Tis no wonder they were exasperated to the highest Degree, and ready to attempt any thing, to save themselves from the Destruction at Hand.

Again, they were not altogether the People, that were disagreeable to them neither, from whom these Discontents began; Had they been only the Episcopal, or *Jacobite*, or Popish Party, that had started these Things, a short Answer would have opened the Eyes of the common People; and it had sufficed to tell them, from whom their Objections came.

But when, by the Subtilty and Artifice of these Men, they had drawn in a great many of the Honest Well-meaning People of the Country, who were known to be well affected to the present Civil Establishment of the Nation, and zealous for its Religious Establishment; when these were seen among the Number of the Warm Opposers of the Union, shaking their Heads at the Articles, and frightened at the terrible Consequences, which were talk'd of; — Who can wonder, that the rest of the People began to be uneasy, and that those Uneasinesses, at last, broke out into Excesses, Madness, and Distraction.

The People of *Scotland*, I say, are not the first Instance; How easily it is to be imposed upon; and how readily a Mob is raised by a Rumour. How soon did the *Jews* of *Asia* put all *Jerusalem* in an Uproar, when they made them believe their Worship was in Danger by *Paul's* Preaching; and that he not only invaded their Worship, but had actually defiled the Temple. How readily did they lay hold of the Blessed Apostle, and had certainly Murdered him, if the Civil Authority had not, *assisted by the Military*, rescued him out of the Hands of the Mob, and put the Case in the way of a fair Hearing.

It was not for the poor People, to distinguish the Original of Causes and Things, nor who was at the Bottom of these Rumours; it was not for them to distinguish the Hand of *Joab* in all this; whether *Jacobite* or Papist was the Original of this Matter, was not for them to examine; They saw their Superiors joyning in the same Complaint, and every Party saw some of their respective Chiefs embark'd.

The common People could look no further; The Episcopal Poor saw their Curates Tooth and Nail against it; The Ignorant and Indifferent Poor, saw their *Jacobite* Land-Lords and Masters Railing at it; and which was worse still, the Honest Presbyterian poor People saw some of their Gentlemen, and such as they had remarked and noticed *to be Hearty Presbyterians*, yet appearing against it; — Who then can censure the poor depending, uninformed and abused People?

And

And how, but by these concurring Accidents, was it possible, the poor deluded People of *Glasgow*, and the West, could be drawn into Mobs and Tumults, in Gratification of that very Party, to whom they have been the very Antipodes, the Reverse, even in all the Ages of the Reformation: By whom they had been Plundered, Rifled, Butchered, and Persecuted, in the most Barbarous Manner, with Cruelties and Extravagancies innumerable; Will any Man say, the Men of *Glasgow*, Famous for their Zeal in Religion, and the Liberties of their Country, even from the very Infancy of the Reformation, were now turned Enemies to the Church of *Scotland*, and ready to Fight against her, in the Quarrel of their Bloody and Inveterate Enemies, the Papists and *Jacobites*? It could not be.

Will any Man suggest, That *Glasgow* had forgotten her self so much, that the Blood of her Citizens and Inhabitants, shed in the old Articles of *Pentland*, and *Bothwell*, and the Ravages made upon her, and the Countries round her, after those Unhappy Times, even to the Confines of the Revolution, were forgotten? — Will any Body think, the *Glasgow* Men had so far forgot the History of Twenty Years ago only, that they could now joyn with the Murderers of their Brethren and Fathers, and take up Arms in favour of their Mortal Enemies? No, No, Nothing less, It was all Delusion and meer Artifice, the Party played the Presbyterian against the Presbyterian, the *Williamite* against the *Williamite*; and having subtilly possess'd a few Honest, but Deluded People, with the Frenzy of the Time, made them the Tools of their Projects, if possible, to bring them to pull down one another, that they might afterwards, with the more Ease, devour them both. —

And this leads me of Course into the Story of the *Glasgow* Rabble, which now came upon the Stage; and which, in its Turn, tho raised with a differing Design, was one of the Proofs of GOD's Providence, working every thing, *howsoever pointed at the Union*, to Act for it, and further its Conclusion.

They had had in *Edinburgh* continual Alarms of the Rising of the People in the West and North parts, in order, by Force, to put an end to the Treaty, tho the People themselves knew nothing of it, nor had any such Design: To day it was in *Angus*, to morrow in *Galloway*, now at *Stirling*, then at *Lanerk*, then at *Hamilton*, then at *Glasgow*, but nothing yet appeared; and some began to mock these Fears as groundless: — The Party made their different Uses of the Reports, to day enlarge them to terrify and amuse, to morrow lessen them again as meer Rumours, to lessen the Watchfulness of the Government, and make them secure; but the Design was manifestly to procure the Tumults they expected, by reporting they were begun.

That these Fears were not groundless, or those Alarms meer *Chimeras*, may be seen by the Commission of the Kirks Circular Letters to the several Presbyteries, to desire them to keep the Peace, and to be earnest to prevent such Tumults; To which the Presbytery of *Hamilton*

milton gave an Answer, which seemed to object against those Fears as unjust, tho it did not afterwards appear so. *Vide the Appendix, N. M.*

And now, tho in the Story of the *Glasgow* Rabble, I shall be obliged to mention the unhappy Slip in those Prudentials, which, as I have observed, the Ministers, *generally speaking*, behaved with; — I shall not, however, offend any Person of common Charity, since I shall be far from saying, the Gentleman here did this with a Design to raise the Tumult that followed; much less would I so much as suspect, that he could, in the least, have it in his Thoughts, to gratify the Folly and projected Destruction of the Kirk of *Scotland*, which, in all these things, was apparent enough in the secret Party that pushed on these things.

As to the Rashness and Intemperate Zeal, or *whatever other mistaken Foundation it had*, producing the Heat and Warmth of the Expression, I have the Charity to believe, he is convinced of the Error of that; and so, while I am obliged to repeat the Circumstance, I shall, as little as possible, reflect upon the Person, being desirous, in all Cases, rather to Cover than Expose the Undesigning Failures of all Honest Men, as what they may be led into by Mistake, but never prosecute, when their Judgments are better Informed.

But to come to the particulars of this Unhappy Story at *Glasgow*, which I shall relate with all the Impartiality possible, and without Respect of Persons, both for the sake of the History, which 'tis necessary to Transmit faithfully to Posterity; as also, for setting things in a true Light, and placing the Guilt where it is justly due, which, at present, is understood to the prejudice of that City in general; and of those Honest Gentlemen among the Inhabitants, who had no Concern in it, unless it were to be Insulted and made Uneasy by it.

The first Uneasiness that I meet with among the People here, I mean that was particular, *for the general Uneasinesses about the Treaty were visible every where, as I have hinted already*, was about Addressing.

Great had been the Endeavours of a Party of Men, all over the Kingdom, to bring in numerous Addresses to the Parliament against the Treaty, in order to fortify that Argument, which was now brought in, as a strong Bar against the immediat Proceeding, *viz.* That it was against the general Inclination of the People; which you will find Moved in the House, upon the second Reading of the first Article, as *per* the Minuts.

The Party at *Glasgow* had been very busy to persuade the Magistrates to Address, as the other Royal Burghs had *many of them* done; but the Magistrates shewing no Inclination to it, they found there was no way to bring it about, but by the common People.

Nor could all their Credit with the common People bring it to pass; the Instruments being chiefly *Jacobites*, *Papists*, and *Episcopal* People, whose Reputation and Interest in the City of *Glasgow*, and parts adjacent, had always been but very low, and now lower than ever;

ever; so that, to effect their Design, they had Recourse to the Policy of the Times, *viz.* Deluding and Imposing upon others, and this did their Work; for, had they not made use of some weaker Brethren, who had more Influence upon the People, they had never brought it to pass.

To bring in some of these, all the Popular Arguments mentioned before were Improved; among others, the Danger of the Kirk of Scotland, I believe I may say *in their favour*, was not the least.

Drawn in by these specious Pretences, the *Jacobite* Party had the Pleasure to ly by, and see their Work done to their Hand; and the People being sufficiently Enflamed, they waited the Issue, when one Unhappy Indiscretion, *to say no worse of it*, finished all their Hopes, and brought to pass the Mischief they designed, in the best manner for them they could have wished for.

Some of the Elders of the Church had privately waited on the Provost, whether moved by their Minister, or by the common People, or of their own Heads, I shall not determine, tho' 'tis not very difficult to Trace it to its beginning; but 'tis apparent, the Minister we are to mention, as well as some others in the Town, were very earnest for the thing; Their Business was, it seems, to move the Provost, that an Address might be presented to the Parliament against the Union; They might have commanded a Popular Address among themselves, but that was not what they desired, but an Address in the Name of the City by the Provost, Bailles, &c.

The Provost answered *to this purpose*, That he did not think it would be prudent for them to Address at this time, that he had been at *Edinburgh*, and had consulted the Lord Advocate, and some of the City of *Glasgow*'s best Friends, and all unanimously advised them against it, and gave it as their Opinion, it was not their Interest to do it: Particularly he reminded them, the Parliament had but, the last Session, granted them the Tax of Two Pennies the Pint; and if they should now appear as a Town in this Address, it might urge them to Repeal their Grant, and the City might be a great Sufferer.

This was a very good Reason; why he should decline the Address, if the Gentlemen had been in a Condition to hearken to Reason; for if the Magistrates had Addressed, they must also have followed it with Reasons and Arguments openly as a Body, which, in such Case, would have been, in all Probability, ill taken by the Parliament, if, *as is very likely*, those Reasons had been such, as came in from other places, peremptorily Inhibiting their Proceedings, and impeaching *their Power to Act*, without Leave from their Constituents, which indeed was the thing now insisted upon, and generally aimed at in the Project of Addressing.

The Provost having thus, tho' very calmly and respectfully, declined the Matter, the People appeared very uneasy, and some hot Expressions had been let fall in Discourse about the Town, That they would have an Address one way or other; But one Unhappy Accident soon discovered the Meaning of the whole.

On *Thursday* the day of the Fast appointed by the Commission of the Assembly was kept in *Glasgow*, Mr. C—*k* Minister of the Trone Kirk Preached from the Words in *Ezra 8.21*. *And I proclaimed a Fast at the River of AHAVA, that we might afflict our selves before our GOD, to seek of Him a right Way for us, and for our little Ones, and for all our Substance.*

I shall convince the Gentleman concerned, that this Account is not made for a Satyr upon him, 'tis too serious a Subject; and when both he, and those who heard him, reflects on, how much more his Unhappy Temper, at that time, forc'd from him, than I set down here, all which I have by me *verbatim*, as he spoke it, he will, I say, be convinced, that I talk no more, than; in the Obligation of a Historian to Truth of Fact, I am bound to do.

In the Conclusion of his Sermon, after telling his Hearers the sad Condition they were brought to, and how forward *Glasgow* used to be in the Honest Cause, he added to this purpose,

Addresses would not do, and Prayers would not do, there must be other Methods; 'Tis true Prayer was a Duty, but we must not rest there, — and closed it with these Words, Wherefore up, and be Valiant for the City of our GOD.

I am not at all apprehensive of having the Truth of these Words questioned, having received them from the Mouths of more than two or three of the principal Inhabitants of *Glasgow*, who heard them spoken; and if the misplacing a Word should be snatcht at, *I venture to say*, that this was the full Purport of the Expression, without the least Variation; as to the Weak Good Man that spoke them, I will not suggest, that he foresaw the Consequence of them, or had any such thing in his Design, tho it calls for some Charity to guess his Meaning; The kindest thing I can say of them, is, that he did not mean at all what followed, but spoke in his Haste; for GOD forbid I should suggest he mean'd to raise a Rebellion, and to bring his Country into all that Blood and Confusion, which, if GOD's Goodness had not prevented it, had certainly followed.

The Sermon ended about eleven a Clock, and the People were so Enflamed before, that, by one of the Clock, the Mob were gotten together, their Drum was Beat in the Back-streets, and all the Confusions we are now to speak of followed.

The next day, the Deacons of the Trades, *which is the same as in London, the Masters of the Companies*, followed with a meddling Number of (a) Tradesmen, came to (b) the Council-House, and

(a) By Tradesmen in Scotland is understood none but the meaner sort of People, such as Shoemakers, Smiths, Butchers, Weavers, and the like, as in England are called Handycrafts, the Shop-Keepers, such as Mercers, Drapers, Grocers, &c. are all called Merchants.

(b) A Chamber in the Tolbooth, where the Magistrates sit, and where the City Council assembles, and where the Provost generally is every Morning.

leaving the People below, the Deacons of Trades and some few went up to the Provost, and demanded of him very rudely, if he would Address.

The Provost, tho surprized with their manner, composed himself, and, according to his known Calmness and Steadiness of Temper, told them, that he was not satisfied to Address; and an Eminent Inhabitant of the Town, viz. The Laird of *Blackhouse*, used a great many Arguments with them, civilly to persuade them to be easy and satisfied, and not to promote any Disorders in the City.

While they were thus Discourfing in the Town-House, the Number of the People encreased without, and began to be Tumultuous; but as soon as the Deacons came out, and Reported to them in short, that the Provost had refused to Address, the People fell a Shouting, and Raging, and Throwing Stones, and Raised a very great Uproar.

And here the Deacons deservedly obtain the Title of the Raisers of this Rabble; for, had they related the Calmness, the Reasonings, and the Manner, with which the Provost very discreetly Answered them, the People might very easily have been quietly dismissed; but now it was too late, the Answer, as it was given to them, was only in gross, that the Provost was Resolute, and would not Address.

Enraged thus, they flung Stones at the Windows, and, as much as they could, Insulted the Provost; but he found Means to withdraw, so that they could not hurt him for that time.

In this Rage, they went directly to the Provosts House, got into it, took away all his Arms, which were about twenty five Musquets, &c. Some few things were stolen in the Throng, but that was not much: From thence they went to the Laird of *Blackhouse's* Dwelling, broke his Windows, and shewed their Teeth, and thus the first Tumult ended.

The Provost retired for a while out of Town, and the Laird of *Blackhouse* also, not knowing what the Issue of these things might be.

I pay no Complement at all here, but a Debt to Truth, in noting, that the Provost of *Glasgow* for that time, *Aird Esquire*, was an Honest, Sober, Discreet Gentleman, one that had always been exceedingly Beloved, even by the common People, particularly for his Care of, and Charity to the Poor of the Town; and, at another time, would have been the last Man in the Town they would have Insulted.

I mention this to obviate the Supposition, that the Rabble took this Occasion to Insult him, upon former Resentments, as has been usual in like Cases.

The Provost being withdrawn, and the Address they designed thus baulk'd.

They set it on Foot without him, and indeed they effectually Answered the Magistrates Desire, who resolved, if there was an Address, it should be a meer Mob Address.

Q

Many

Many a mean Step they took to get Hands, by Threatning, Af-frighting, and Hurrying People into it, Taking Youths and meer Childrens Hands to it.

Every Man that refused to sign it, was Threatned to be Rabbled, and have his House Plundered, which made a great many Timorous People sign it, that did not approve of it.

This being the Method, it may easily be imagined, the Address was not many days a finishing; and such as it was, they sent it away by four of the Townsmen, whereof the first two (a) were the Deacon of the Taylors, and the Deacon of the Shoemakers; The other two that went with it were Gentlemen, too well known to be suspected of desiring any such kind of Tumultuous Proceedings, but complied with their Desire, in order to prevent worse Consequences.

If the Multitude of Addresses, which have been boasted of, as a Declaration of the Aversion of the People to the Union, may be guess'd at by this, those Gentlemen, who bring this as an Argument, have small Reason to Boast, and need not be very Forward, to have the Particulars Examined into.

The Address having thus been signed, and sent away, the People begun to be quiet again, and the Tumults seemed to have an end; The Provost, who had fled to *Edinburgh*, came home again, and every one went quietly about their Business, till, a little while after, a new Occasion set all in a Flame again, worse than it was before, and made it appear, who was at the Bottom of it all.

And here the Warm Gentleman, who, from the Pulpit put the Match to this Gun Powder, may see who laid the Train; — The Trifle of Addressing was the least thing they sought for, tho that served a purpose also; — And these good People, who were drawn in to begin it, saw no farther; but now it appeared to be all *Jacobite* and *Papist* at the Bottom; That Blood and Confusion was the thing they drove at, and King *James*, Prelacy, Tyranny, Popery, and all the Mischiefs this Nation has to fear from them, lay hid in the Design, as will presently appear, and the poor Thoughtless Multitude were only Hurried into it, by a Conjunction of Mistakes.

The second Rabble had a Beginning as small as the first, tho not so soon laid, because the first had only the Address in View, and was managed by a few, that the Contrivers of those Disorders had Imposed upon, and Deluded; but this part was under the more immediat Conduct of the very Party themselves, and was introduced as follows.

(a) Robert Scot Deacon of the Taylors, Stevenson Deacon of the Shoemakers, John Bowman Dean of Gulld, and John Hamilton Gentleman, were the Four that went up to the Parliament with the Address.

One of the Magistrates (a) of the City, had committed a (b) Fellow to the Tolbooth for Theft; — He had, it seems, been taken offering to Sale a Musquet, or some other things, which, it was made appear, belonged to the Provost of the City, and which was taken out of his House in the time of the Rabble above-mentioned.

This Fellow lay in the Tolbooth for some time; but it was observed, that, in an Evening, there would be several of the common People at the Window, talking to him thro' the Grates of the Prison; — The Provost apprehending, that the Imprisonment of this Fellow, might be a Pretence for a new Disturbance, resolved to discharge him; but, that it might not seem to be done for Fear, took a (c) Bond of him, to appear again, when called for, and, among the rest of the People, who came to talk with him at the Grate, was one *Finlay*, a loose sort of a Fellow, who had formerly been a Sergeant in *Dumbartons* Regiment in *Flanders*, and who openly professed himself a *Jacobite*, a Fellow that followed no Employ, but his Mother kept a little (d) Change House at the remotest part of the Town on the *Edinburgh* side.

The Fellow had given his Comrades an Account, that the Magistrates had taken a Bond of him; and the next Morning, this *Finlay*, and a Rabble with him, comes up to the Clerks Chamber, another Office in the (e) *Tolbooth*, where the Magistrates meet, and there they demand this Bond of the Clerk, it being put into his Hands.

The Magistrates willing to take away all Occasions of Tumult, and to leave them no Excuse, ordered the Bond to be delivered up, for the Gentlemen Rabble had now the full Command of the Town.

But to let it be seen, that these were but seeking Occasions, notwithstanding the Provost had told them, they should have the Bond delivered up; and they had now no Reason but to be satisfied, the Clerk having Orders to deliver it; They continued together, resolving to Insult the Provost, at his coming out.

The Provost not imagining any Danger, having granted their Request, comes innocently out of the Tolbooth, and went toward his own House; The Rabble immediatly gathered about him,

(a) It was Baillie Hamilton.

(b) The Fellows Name was Parker, a Loose, Vagabond, Profligate Fellow, of a very ill Character, a Spinner of Tobacco by Employment, but a very Scandalous Person.

(c) This is called there a Bond of Presentation, and is all one with a simple Recognizance without Bail.

(d) The common Name for an Ale House, or Inn, in that Country.

(e) The Town House, in which is their Offices, and also the Prison for the City; It is generally like the Guild Hall of a City, or the Town House in England, saving that the Prison is generally in the same House in Scotland.

Thrusting and Abusing him, and not with Villainous Language only, but with Stones and Dirt, and such like thrown at him.

He would have made to his own House, but the Multitude increasing, and growing Furious, he took Sanctuary in a House, and running up a Stair Case, lost the Rabble for some time, they pursuing him into a wrong House; However, they searched every Apartment to the Top of the Stair, and came into the very Room where he was; But the same Hand that smote the Men of *Sodom* with Blindness, when they would have Rabbled the Angels, protected him from this many Headed Monster, and so Blinded them, that they could not find him: It is the Opinion of many of the Soberest and most Judicious of the Citizens, that, if they had found him, their Fury was, at that time, so past all Government, that they would have Murdered him, and that in a manner Barbarous enough, and if they had, as we say of a Bull Dog, once but Tasted Blood, who knows where they would have ended?

The Provost was hid in a Bed, which folded up against the Wall, and which they never thought of taking down, — Having escaped this eminent Danger, he was conveyed out of Town the next day by his Friends, and went for the second time to *Edinburgh*.

The Rabble was now fully Master of the Town, they ranged the Streets, and did what they pleased; No Magistrate durst show his Face to them, they challenged People as they walk'd the Streets with this Question, *Are you for the Union?* And no Man durst owne it, but at their extremest Hazard.

The next thing they did, was to search for Arms in all the Houses of those, that had appeared for the Union; And first they went to the Dean of Guild, and, upon his refusing to give them his Arms, they took them away by Force; They stopt here a little, but having given out, that they would search the Houses of all that were for the Union, the Magistrates Assembled, and Considering, that, if the Citizens were Disarmed, and the Rabble possess of their Weapons, they might, in the next place, possess their Houses, Wives and Wealth, at their Command; and that it was better to Defend themselves now, than be Murdered and Plundered in cold Blood; They resolved therefore to raise some Strength, to oppose this Violence, and accordingly ordered the Town Guards to be doubled that Night, and removed the place of Arms from the usual Guard House to the Tolbooth; — And that this Guard should be of Select Persons, such as they knew.

Accordingly Orders were sent to all the Captains of the City Militia, that each of them should bring twelve Men with them, such as, they could depend upon, would stand by them, to secure the Peace of the City; and this was besides the ordinary Guard.

This was done readily, and with great Secrecy and Celerity, the Captains of the Militia being Faithful Honest Gentlemen, brought their Men without any Noise, Beat of Drum, or the like, and leaving

ing the ordinary Guard at the usual (a) place, and were that Night encreased to a whole Company, and this Select Guard was plac'd in the (b) Council-Chamber.

The Rabble, who had resolv'd to be as good as their Words, were now gotten together; and whether they thought the Magistrates were met in the Council-Chamber, and so they resolv'd to begin with them; or whether they had Intelligence, that they were upon their Guard, is not certain; but about nine a Clock at Night they gathered about the Tolbooth, and seeing a Centinel plac'd at the Top of the (c) Stair, *Finlay*, of whom before, is order'd to go up, and see what they were a doing, as he call'd it.

When he came to the Top of the Stair, the Centinel challeng'd him, and thrust him back; but he comes on again, and thrusts in with the Centinel, and gets by him.

At this Juncture, one of the Citizens, who was privately appointed to meet as above, was just coming up; and having pass'd as privately as he could thro' the Mob, who were at the Stair Foot to the Number of about 100, being a Select Party only, for the rest were not then got together, was going up the Stairs; This Gentleman seeing a Fellow assault the Centinel, boldly stept up to him, and knockt him down on the Stair Head with the Butt End of his Musquet, and immediately calls the Guard.

The Guard immediately took to their Arms, and headed by one Lieutenant *Lindsay* an old Soldier of King *William's*, but now a Burges and Inhabitant of the City, they came down and drew up at the Foot of the Stair.

Some Pieces were Fired in the Street, but whether at the Guard or no, was not known; The Multitude was great by this Time, and being late at Night, it could not well be discern'd: But as they had all the Reason in the World to expect it, they fell resolutely to Work with them, and Sallying upon the Rabble, they immediately fled and dispers'd.

Having thus broke the first Body of them, it was observ'd, that they only fled from the immediate Shock, but stood in Throngs under the (d) Piazzas, and in the Heads of Cloffes (e), to see what the Guard would do; and that, with one Hallow, they could all be together again in a Moment, whereupon a Party was ordered down (f) every Street to clear the Piazzas and Cloffes, and see

(a) The usual Place for the Guard of the Town is in the Trone-Gate Street.

(b) In the Tolbooth one Pair of Stairs high.

(c) The Stone Steps on the Out side where the Iron Rails are, and where the Officers stand to read Proclamations or any Publick Acts.

(d) The new Buildings at the Cross have small Piazzas of Stone on both Sides, under which the Shops are, and the People may walk in wet Weather.

(e) Cloffes are the same with By-Lanes or Alleys.

(f) There are but four principal Streets which all meet at the Cross, and lead to the four Gates of the City.

the Rabble effectually dispers'd, which they did, but were all the way assaulted from the Houses and out of the Cloffes with Curses and Stones; The former did not much Hurt except to the Givers, but the latter Wounded several of the Inhabitants, and some were very much hurt.

Had they been able to have renew'd this Guard, the Publick Peace had been maintain'd, and the whole Design of this Rabble disappointed: But it is to be noted, these Gentlemen were all Citizens, Heads of Families, and of the principal Inhabitants; The Commonalty was universally debauch'd, and not to be trusted, and the Gentlemen could not do Duty every Night, neither had all that were Zealous enough against the Tumults, either Bodies to bear the Fatigue of Soldiers, or Hearts to adventure; and those that were Forwardest, could not be always in Arms: — This first Piece of Work was on *Saturday* Night, the next Night they reliev'd the Guard by the like Select Number, and all was quiet; for, while these Men appear'd, the Rabble durst not stir.

On *Monday*, the Magistrates Summoned the Town Council, and, sending for the Deacons of the Tradesmen, the thing proposed was, What Course should be taken to secure the Peace of the City, and keep the Magistrates and Inhabitants from Plunder and Insult.

The Deacons of Trades, subtilly, and as appear'd, designedly, at least such of them as were in the Design, proposed, That this Select Guard should be omitted, and pretended to promise, That, if any Tumult happened, they would come to the Town Guard with their Men to defend the City; which, whoever observes how well they performed, will think it no Breach of Charity, to say they never designed it: — However, for this Week, there was no more Tumult, but the Mob reign'd Masters, and *Finlay*, who now had made himself one of their Leaders, set up a Guard at the Upper End of the Town near the Cathedral, as it were in Opposition to the Town Guard.

This whole Week was spent in Amusements, and raising Reports of the Rising of the People at *Stirling*, at *Hamilton*, and in *Angus*; and that a great Army of them was to Rendezvous at *Hamilton*, from whence they were to March to *Edinburgh*, to raise the Parliament: *Finlay* gives out, That he will March with all the Men of *Glasgow* to meet their Brethren at *Hamilton* on the same Design; — by whose Assistance all this was done, the Government was too Merciful to make a narrow Enquiry, and so I must leave it as they did in the dark: Having brought the Folly and Madness of the poor People to such a Height, *Finlay* actually gets together about 45 Men, or that was the molt of the great Army he raised; and on the *Friday* following, this Contemptible Wretch having made himself their General, Marches out of the City with them for *Hamilton*; they were Armed with Musquets and Swords, such as they had taken out of the Magistrates Houses; and (wherever he procur'd it, for every one knows he had it not of his own) he Distributed to every Man a Dollar; — And thus in Arms against their Native Country, and the Protestant Religion, these poor Deluded People March'd away, under the Command of an Abject Scoundrel Wretch, that openly profess'd himself

himself a *Jacobite*, and that, with his Good Will, would have seen all the Presbyterians in *Scotland* ruin'd.

But to such a Pass were Things now come, and who can Account for some Critical Junctures, in which Men may be brought to ruine themselves with their own Hands, and never suffer themselves to listen to the Cautions of their Friends.

The Town, tho' rid of *Finlay* and his Vanguard, enjoy'd not the more Peace, or were in less Danger, for the Mob that remain'd kept up their Guard, threaten'd yet worse things than had been done, and were afterward as good as their Words to a Title.

The Government, it may be supposed, were constantly acquainted with those things, and their Forbearance had not a little heartened up the Party that push'd these Mischiefs on; However, being loth to come to Extremities, they tryed Gentler Methods first, and the Lord High Commissioner having laid it before the Parliament, they immediately pass'd an Act, Discharging the Mustering of Troops in the Country during this Session, and a Proclamation was published against Tumults, and both these were sent to *Glasgow* to be published.

It should be noted here, That, by the Act of Security, any of the Nobility, Gentry, or Towns, might meet in Arms, Muster and Exercise their Fencible Men, and the like, upon any Occasion of which they were Judges; which was done in order to make the Militia of *Scotland* more Serviceable, or as some think *in Terrorem* to Serve a Cause; but be that as it will, it may remain undetermined; but, at this Juncture, the Parliament foresaw, it might be a Handle for the drawing together any Number of Men at such a Time as this, and might be dangerous to the Peace, wherefore they caused an Act to be brought in to Repeal that part of the Act of Security, for so long only as the present Parliament was sitting.

When this Act of Parliament and Proclamation came to Town, which was on the *Monday* after *Finlay's* March, the Magistrates assembled about ten in the Morning, and caused the Messenger that brought it to read it at the Cross; Accordingly the Messenger goes up to the (a) usual place, and read first the Act of Parliament, the Magistrates were below, and the Officers attending as usual, and a vast Multitude of People were got together to hear what it was, before the Officer had done, the People began to make a Noise, and throw Stones at him; but however, the Man went on, and read out the Act, and began the Proclamation against Tumults; but he had hardly read the Title of the Proclamation, when the Stones came so thick, there was no standing it, and the poor Fellow not a little Bruised was driven off the Stair.

Upon this the Magistrates ordered one of the Town Officers to go up and Read, which he did as far as he could, but was in like manner

(a) The Head of the Stone Stair on the Out-side of the Tolbooth just fronting the Cross, the same mentioned before where the Centinel stood.

driven off by the Fury of the Stoning: In the *Interim* of this, the Magistrates had sent for the Town Guard to protect the second Officer in Reading; The Officer of the Guard seeing the other Officer abused thus before their Faces, commands his Men to fall upon the Rabble with the Clubs of their Musquets, which they did, and knockt down some of them; but the Tradesmen that were upon the Guard, in the very Action deserted, and refused to obey the Command of their Officers, which so encouraged the Rabble, that they came on again with Shouts and Huzza's, and with Volleys of Stones they fell upon the few of the Guard that were Faithful, and drove them off from the Street,

The Officer that commanded them Retreated them into the Guard House, but this was not a place to be defended against such a Multitude, so in short they broke in upon them and disarm'd them, and well it was they came off without Blood, — some of them were very much Bruised with Stones.

The Rabble now flusht with Victory, were in a terrible Fury, and this was the most Outragious Part of the whole Transaction; having disarm'd the Guard, the next thing was to Storm the Tolbooth, immediately they get Ladders to the Windows, and breaking in, they seize upon 250 Halberts which are the Towns Arms; with these upon their Shoulders in Rank and File they Rov'd about the Streets, and made their Rendezvous at the Old Castle where their Guard was kept; Here they gave out, That, in the Afternoon, they would come down and Plunder the Merchants Houses, nay, and threatened their Lives too, which put the whole City in an Unspeakable Consternation.

Nor were they wanting in some part of their Threatened Execution, for about three in the Afternoon they Detach'd a Party of about twenty Men Arm'd, some with Musquets, some with Halberts, these, with a Drum before them, came to the Cross, and from thence took their March down the High Streets, breaking open the Doors and Houses of who ever they pleased, pretending to search for Arms, but Stole and Plundered whatever came in their way, and thus they continued till ten a Clock at Night.

They got not above thirty Musquets, with some Pistols and Swords, but the Terror of the Inhabitants is not to be express'd, who were oblig'd to bear this Violence without Complaint; This small Party was follow'd by a vast Throng of Boys and Idle Fellows like themselves, which encreased the Fright of the Citizens. —

Having thus Ranged the City at Pleasure till about ten a Clock at Night, they March'd away with the Spoil of their Masters up to their Main Guard, from thence they Beat their Tatoo round the Town like a Garison; and indeed they were no less, for they had the City in their full Possession, and every Bodies Life and Goods at their Mercy.

Their Rudeness in this pretended Search for Arms is not to be described, and had they met with any Opposition, no doubt it would have been worse; They came into the Rooms where Persons that lay Sick were just Dying, and put all things into inexpressible Confusion,

sufion; They came into Chambers, where Women were Lying in, and Barbaroufly made them Rise, pretending to Search under their Beds for Arms: In short, except that there was no Blood shed, they acted the exact part of an Enraged Ungoverned Multitude.

But, to return to their Army of Fourty Five, which was all this while on its March; And were advanc'd as far as *Kilsyth*, on their Way to *Edinburgh*.

The Government, who had an exact Account of all these things, and who had tryed all the Gentle Methods of Proclamations, Acts of Parliament, &c. Finding to what Height Things were brought, and that nothing but Force could Remedy Them, prepar'd to be before-hand with these Forward Gentlemen; And having an Account both of their March and Number, The Lord Commissioner ordered a Detachment of Dragoons, joyn'd with some Horse Granadeers of the Guard, under the Command of Colonel *Campbell*, Uncle to the Duke of *Argyll*, to March with all Expedition for *Glasgow*.

Finlay, in the mean time being at *Kilsyth*, has Notice of the March of these Dragoons, within a few Hours after his Arrival there; And hearing no News of the great Parties of 5 and 6000, which he had perswaded his Men would meet him there; And being alarm'd at the News of the Dragoons he sends back — *Campbell*, another of the Ring-Leaders of his Rabble, to bring up the second Body which was to be ready to follow, and which were Reported to be 400, but they Thank'd him, and Stay'd at Home; And with the rest he March'd to *Hamilton*, where he Arriv'd on *Sunday* about Noon, the third day after his March from *Glasgow*.

Here he Quartered his Army that Night, and finding, as before, none of the Friends that were to Assemble from all Parts, nor no News of them, he bestow'd a Volley of Curses upon them, and Marches directly back to *Glasgow*, where he Arriv'd, to the no small Mortification of his Fellows, on *Wednesday*, the next day but one after the Plunderings I have related before; They had Halted at *Rugland*, a Burgh about two Miles from *Glasgow*, where, as I suppose, they called a Council of War among themselves; but, being all Voters, they Agreed upon nothing, but to March Home, which accordingly they did; and, in Order of Battel, enter'd the City, and March'd directly up to their Main Guard aforesaid: Here they made, *says my Author*, their Rendezvous, having not thought fit to keep the Field any longer.

And now they began to think a little, for I cannot allow my self to say they had done it before; Their Danger began now to show it self, and to stare in their Faces a little; They began to consider what they had been doing with others, and what was now like to be doing with them; They had no more Protection from the Act about Mustering, and the Proclamation began to work with them; And now they did the only Rational Act of their whole Management, and which indeed saved all their Lives.

On *Thursday* Morning, having maturely weighed their Affairs, they resolved to separate, and lay down their Arms, which accordingly they did very quietly and calmly, and carryed their Arms, not to the Magistrates, where they had them, but to the Deacons of their Trades, who they knew were their Friends.

How it came to pass, That Providence, whom they had so far provoked, Inspir'd them with this Prudence, so seasonably for their own Safety, none, but that Infinite Goodness, that punishes less than Crimes deserve, can say; 'Tis most certain, they had no particular Intelligence of the March of the Queens Troops, for the City it self knew nothing of them more than in general; But it was not full two Hours after they had separated, delivered their Arms, and all was quiet, but the Dragoons enter'd the Town, not a Magistrate, nor an Inhabitant knew of them, till they saw them upon the Street, to their no small Satisfaction.

The whole Party was about 220 Men; They had march'd with great Secrecy all Night, and suffered no Body to pass by them, to carry Notice before of their Coming —; When they came near the City, Colonel *Campbell* detach'd an Advanc'd Party of twenty five Dragoons, under the Command of Lieutenant *Pollock* who knew the Town, and knew where *Finlay* liv'd, the whole Body following at a small Distance.

The Lieutenant entering the Town, stopt, and Allighted just at *Finlay's* Door, and rushing immediately in with two or three Dragoons, they find *Finlay* and one *Montgomery*, another of the Knot, but Famous for nothing that ever I heard of, but his being taken with him, sitting by the Fire; They seiz'd them immediately, and by this time the whole Body was entered the City, March'd down to the Cross, and Drew up there on the Street, where they sat still upon their Horses, it Raining very hard all the time, which was about three Hours.

The Mob of the City were in no small Consternation, as may well be supposed, at this Appearance; And several, whose Guilt gave them Ground to think of the Gallows, made the best of their way out of the Town; There was no Appearance of any Rescue, and the Dragoons Commanded the People off of the Street, and to keep their Houses —; Two Fellows had the Boldness to Beat a Drum in two several parts of the City, but the Gentlemen they call'd for, had more Wit than to come, and the Drummers, with very much Difficulty, narrowly escap'd being killed.

The Dragoons having secur'd their Prisoners, and mounted them on Horse-back, with their Legs tyed under the Horses Bellys; Never so much as Allighted or Baited their Horses, but Marched away the same Afternoon to *Kilsyth*.

As they were going away, they had some Stones Thrown at them from the Tops of Houses, and some that were stragling behind had like to have been Knock'd off of their Horses, but Six or Seven Dragoons coming back, they were fetch'd off without Hurt.

No

No sooner were they gone out of the Town, but the Drums beat again in all the Streets, and the Rable got together with all the Rage and Venome imaginable, and coming to the Magistrates, they told them in so many words, that they should send some of their Number to *Edinburgh* immediately, for that if they had not their two Men delivered to them, they would pull their Houses down about their Ears. Some have blam'd the Magistrates for sending to *Edinburgh*; But if such would consider Circumstances, how the Dragoons were gone, they had an Enrag'd Mob to deal with, and no strength to Defend themselves, it can not but be thought the Gentlemen were in the right to comply with the Juncture of the Time, and Gratifie rather than Exasperate them, when they were absolutely in their Power:

The Magistrates, however, according to the Command of their Masters the Mobb, (for such at this time they were,) sent away two of the Baillies of the Town, and some of the Deacons of Trades went with them, but they soon came back again as wise as they went, having received a severe Check from the Council by the Mouth of the Lord Chancellor; and it was once within a little of their being committed to Prison with the other.

Thus ended, this petty War, being the only Violence we meet with in the whole Transaction. I had not been so large in the Relation of so trifling an Affair, but that it serves to clear up several other Cases to the World, which otherwise there are several Mistakes about.

I. And principally indeed for the sake of the City of *Glasgow*, a City which in all Ages since the Reformation, and in the very Reformation it self, has been particularly Famous for Honesty, Zeal, and Bravery in a constant Opposition to the Enemies either of the Religion or Liberties of their Countrey —, a City Eminent for the True and Sincere Profession of the Reformed Religion, and forward upon all Occasions to spend their Blood and Treasure in Defence of it: And as nothing can be more Untrue than to suggest, this Tumult was the Act and Deed of the City of *Glasgow*: So to clear her of that Scandal, I thought my self oblig'd to do her Justice, by setting the Case in its true Light; nothing clears up the Innocence of a Person or Party like bare matter of Fact, and therefore I have Impartially related this Story just as I receiv'd it upon the Spot from several of the principal Inhabitants of the City, whose Integrity in the Relation I have no Reason to question.

Nothing is more certain, than that the Tumult at *Glasgow* had its Rise and Beginning among the *Jacobite* Party: In all the Rabble and Riots, they were secured as they past the Streets, they were Carrest by the Mob, they Huzza'd them to the Work, their Houses were never search'd for Arms, nor the least Insult offer'd to their Persons; The very Leaders of the Rabble were of their Party, and indeed their Friends mixt themselves with the Rabbles on all Occasions, to prompt them to Insult the Citizens.

The Rabblers themselves on the other hand were a sort of People ignorantly Inflam'd by this Party, and unhappily set on Fire by an Accident which had its beginning rather in an Ignorance of the Plot of that Party, than Design to serve them in it.

But for the City of *Glasgow* it is clear, not a Citizen of any Note, not a Magistrate, not a Merchant, not any thing that can be called Denominating to a Place, but what Abhor'd it, and as far as they durst Opposed it; and I think 'tis hard they should first fall under the Misfortune, and then under the Scandal of it too; And for that Reason I have been thus particular in the Story.

Again, here may be seen a small Scetch of the Petitioners and Addressers against the Union, & of their Original, who they are that were moved, and who moved them; not a Papist, not a Jacobite, not a Prelatist in *Scotland* but what Declar'd themselves against the Union; and those honest Men that unhappily Approve them in that, may see what Blessed Company they were yoked with, which is a Hint I cannot avoid leaving upon Record for their Instruction.

I should have told you that the *Sunday* after being the 15th of *December*, the Dragoons returned to *Glasgow*, and in stead of returning the two Prisoners they had taken, carried away three more, and had Directions for others, but it seems they were fled.

They went to *Hamilton* also, and seiz'd two Gentlemen & a Lady, who belong'd to the Dutchess—, and who, they said, *Finlay* Accused, but both these, and all the rest, were, after the Union was finished, Discharged without Punishment; the Merciful Government of Her Majesty rather delighting to Pity, than to Punish the Follies of the poor deluded people; shewing them the Difference between the legally Establish'd Power, which they blindly Opposed, and the past Implacable and Merciless Tyranny, which they as blindly Espoused.

And thus happily Ended the Tumult at *Glasgow*, which put the Honest People of both Nations in no small Apprehensions; and which, if the Party had obtain'd their Design, in getting the poor People into Arms in other Places, might have been Fatal enough.

Mean time, the Queen was not Unconcerned at these Disorders, and Troops were sent from *England* to the Borders, to be ready to Assist the *Scots* Forces, and to support the Government, if there had been Occasion; having Orders given them to Quarter in the most Northerly Towns of *England*, and to take their farther Orders from the Lord High Commissioner of *Scotland*, as there should be Occasion. But the Success of Things beginning to change a little after these Hurreys, there was no Occasion for them.

The Parliament was now entered upon the close Debate of the Articles, and the first and chief Points being past in the House, it was plain to every body, that the House was resolv'd to go thorow the Work; And it is no wonder if the last Struggles of all the Parties Opposing it, were now seen.

All

All the Attempts to raise Tumults, and to Rabble the Parliament out of it, had proved Abortive; And it was found impossible to bring the Common People into any thing Extraordinary, while few or none of the Gentry thought fit to appear with them; All that had hitherto been done, was, by an underhand kind of Management of the *Jacobite* Party, *as they called them*, to see, if possible, they could push the Presbyterians, or the meer Rabble of the Common People upon making some Disturbance, that so they might pull down their Enemies, by the Hands of one another, and see their Work done for them; This was apparent from the manner of Proceedings, which was by dropping Papers, and sending about private Messages from no particular Person, but as from their Brethren in this or that Shire, Inviting, Directing, and Encouraging the People to Meet and Assemble, to furnish themselves with Arms and Ammunition, and Naming Place and Day where to Meet and Assemble, in order to March to *Edinburgh*, and to Raise the Parliament, and prevent the Ruine, *such they then called the Union*, of their Country, and their being given up to the *English*.

They took all these Courses to Raise and Excite the People, but still they found it Ineffectual as to Meetings and Rendezvous, except as you have seen; however, the Parliament took some notice of it, the Lord Commissioner laid it before them on the 29 November, and they immediately caused a Proclamation to be published, to prevent Tumultuary and Irregular Convocations of the Ledges; This was the same which was Read in *Glasgow* at the Time of the Tumult, as aforesaid, when the People Stoned the Messenger that Read it, off from the Head of the Stairs of the Town Hall or Tolbooth.

It had been considered, that there was a Clause in the Act of Security, which Impowered the People to Meet, or Convene in Arms, under pretence of Exercising the Fencible Men—; The Clause was as follows.

And for a further Security to this Realm, Her Majesty with Advice and Consent aforesaid, Statutes and Enacts, That the whole Protestant Heretors, and all the Burghs within the same, shall forthwith provide themselves with Fire Arms for all the fencible Men who are Protestants within their respective Bounds, and those of the Bore proportioned to a Bullet of 14 Drop weight running; And the said Heretors and Burghs are hereby Impowered and Ordained to Discipline and Exercise their fencible Men, once in the Month at least.

Now the first Rumours of Country Tumults had been pretended to be founded upon this Clause, and that under pretence of this Exercising and Disciplining the Fencible Men, any number of Men might appear together in Arms without Breach of the Law—. This was indeed a wide Gap in the publick Peace, at which there was Room for a whole Army to enter. For any of the Gentry, Nobility,

bility, or Heretors, who were Disaffected to the Affair now in hand under the protection of this Clause, pretending only Exercising and Disciplining the Fencible Men, might Assemble together, and keep together without any Limitation of Number or Time, till they had formed a sufficient Force, and then March'd, to the Destruction of the Government, the Laws, and all the Defences of the publick Peace.

It was time now to stop this Breach, and therefore an Act was past in the House, to Repeal the above-said Clause, so far forth as it extended to the Meeting, Mustering, and Conveening together of the People during the sitting of the Parliament; which Act being a very plain Evidence to the Truth of what I am upon, I have Added here, as being not long enough to interrupt the Thread of this Discourse.

OUR SOVEREIGN LADY Considering, That, by the 3d Act of the 2d Session of this Parliament, Intituled, Act for Security of the Kingdom, It is Statute and Enacted, That the whole Protestant Heretors, and all the Burghs within the same, shall furthwith provide themselves with Fire Arms for all the Fencible Men, who are Protestants, within their respective Bounds, and the said Heretors and Burghs are thereby Impowered and Ordained to Discipline and Exercise their Fencible Men once in the Month at least; And also Considering, That the Disorderly and Seditious Meetings and Tumults in some Places in the Countrey, do make it necessary, at this Occasion, to Suspend the Effect of the foresaid Clause, during this Session of Parliament alternarly. Therefore Her Majesty, with Advice and Consent of the Estates of Parliament, doth hereby Suspend the Effect of the foresaid Clause, and that during this Session of Parliament alternarly. And further, Her Majesty, with Advice and Consent foresaid, Discharges and strictly Prohibites the Subjects of this Kingdom, to Meet and Assemble together in Arms, after the Publication hereof, upon any Pretence whatsoever, during the Space foresaid, without Her Majesties special Command, or express Licence had or obtained thereto. And Requires and Commands all the Subjects of this Kingdom, to Retire to their own Habitations and Lawful Employments; Certifying such as shall do in the contrary That they shall be lyable to the Pains of High Treason, conform to the Laws and Acts of Parliament made against Unlawful Convocations and Rising in Arms.

This was a most Effectual Step to Check the Riots and Tumults of the People, for after this, no Man of any Consideration durst show himself; And finding the Government Resolved to punish whoever should make any Attempt of that Nature, they began to give over the Thought of taking Arms.

Thus the Affair without Doors seem'd to attend the Debates of the Parliament, and all we meet from Abroad, amounted to no more

more than Addreffes without Number from the Towns and Countreys and some from the Presbyteries, againſt the Union in the Terms of the Articles, with Diſputes about Amendments to the ſeveral Articles, as they came before them: The particular Caſes of which will come of Courſe, in the Obſervations on the Minutes of Parliament. —

Mean time it may be noted, the Parliament enter'd upon the Debate of the Articles, Stating the Duties, Settling the Equivalent that was to be paid to *Scotland*, in Conſideration of the *Engliſh* Debts, Proportioning the Excife, &c.

This Affair of the *Engliſh* Debts has been ſuch an Occaſion of Clamour in *Scotland*, that I cannot but think it very neceſſary to give a State of it in ſhort, as it lay before the Parliament.

The Treaters in *England*, as has been noted in the Obſervations on the Minutes of the Treaty in *London*, had been convinced of the Neceſſity of having the Customs and Excifes of *Scotland*, when they came to an Union, run in the ſame Channel with the Excifes and Customs in *England*; and this, by Conſequence, engaged them in the ſame Appropriations and Incumberances, that the ſame Duties in *England* were lyable to.

This created an Objection, viz. That *Scotland* was under no Incumberance of Debt, at leaſt none that thoſe Duties were appropriated to; and therefore, to bring her into Taxes of any ſort, other than ſuch as were to bear the Burthen of the War, was not conſiſtent with the Equalities of Burthens, which were allowed to be the only Foundation of an Union.

The Equity of this was not to be withſtood, and therefore the *Engliſh* Commiſſioners readily agreed, there was no Reaſon the Revenue of *Scotland* ſhould be applyed to the *Engliſh* Debt without Conditions —; But as the Circumſtances of the Nations required an Equality of Taxes, and thoſe Taxes in *Scotland* muſt run in the Channel of the Taxes of the ſame Kinds in *England*, the *Engliſh* muſt pay to *Scotland* an Equivalent in Money: This was ſettled by the Treaty, as in the Minutes appears at large.

Now the Equivalent being determin'd, the Parliament was for a long while imployed in debating what Taxes, what Customs, and what Excifes ſhould be paid by *Scotland* —; It is needleſs to enter upon the particular Reasonings on the ſeveral Heads as they were debated in the Parliament, ſince the Minutes of the Parliament will particularly diſcuſs thoſe Points, but it may be needful to note a little the Reaſons of all thoſe Diſputes.

I have often noted, That there was a Party who were buſy, not ſo much in Arguing for Regulating, as Destroying the Articles; that Argued againſt the Union in general, not againſt the Articles in particular; Theſe having in vain ſtruggled againſt the main Articles of the Treaty, ſuch as Union in general, Succeſſion, Communication of Trade, and the like, began now to Labour at the particular Heads; and firſt they would have it, that *Scotland* ſhould not pay any of the Customs or Excifes in Uſe in *England*, but when

convinc'd of the Injustice of those Pretences, they could no longer object against an Equality of Taxes; Then they began new Debates upon the Circumstances of the said Customs and Excises, and push'd at all sorts of Exemptions, Inequalities of Payments, Restrictions and Latitudes they could imagine, if possible to bring on some Amendments upon the Articles, which they knew would perplex the Union in the *English* Parliament, such were the Liberty of Exporting Wooll, the Exemption from the Duties on Salt for ever, the Reducing their Ale to the Excise of Small Beer in *England*, and the like; And this makes it appear, that I have not wronged them, in saying, that their Design was at the Union in general.

It would be too much to enter upon the Discourse here of the several Objections against the Equivalent, the Taxes, the Excises, &c. and innumerable Cavils at the several Duties on Export or Import——. These things occupied the whole Town, and all the People, as their several Fancies and Informers led them, spent the time in Canvassing and Disputing the Articles of Commerce, Import, &c. what could be paid, and what not.

Nor is it to be wondred, that these Debates were Warm, for as the prospect of Tumult began to abate, the People took the more liberty in Speech, and the Government being very backward to Punish the Exorbitances of the Tongue, at a Time when they were Inviting all the People to Unite, all the Gall and ill Humour of the Party vented it self at the Mouth. This filled the Countrey with innumerable Railry and Reproach, all Companies were divided; nay, even Families, Relations, and the nearest in Affection, divided upon this Subject.

The Scruples of Religion also revived now, and a great many finding the Treaty was like to go on, began to set up their Foundations for Opposition, and revive the Scruples of the Union interfering with the National Covenant, the Danger of the Church of *Scotland*, from the Suffrages of the *English* Bishops, &c.

All these things helped to raise Heats among the People, and some went up to a strange height of Jealousie and Discontent, and what *they could do*, they did; As for Tumults and Rebellions, that time began to be over with them, but Parties and Feuds encreased every Day: And so they went on till the Parliament went thro' the whole Treaty, and how they behaved then, will follow to be spoken to in its Course.

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AN
ABSTRACT
OF THE
PROCEEDINGS
ON THE
TREATY of UNION

Within the Parliament of *SCOTLAND*:

As also, so much of the Minutes of the said Parliament as contain Things necessary to be known on the Account of the Treaty, with several Things not Printed in the said Minutes.

With OBSERVATIONS thereon;

MINUTE I.

The Parliament Met on the 3d of October, 1706.

HER Majesties Commission to his Grace *James* Duke of *Queensberry*, for Representing Her Royal Person in this Session of Parliament, Read, by the Lord Clerk Register, and Ordered to be Recorded.

Her Majesties Gift and Commission in favours of *James* Marquess of *Montrose*, to be President of Her most Honourable Privy Council, Read, and Ordered to be Recorded.

Her Majesties Gift and Commission, in favours of *John* Earl of *Mar*, to be one of the Principal Secretaries of State for this Kingdom, Read, and Ordered to be Recorded.

The Earl of *Abercorn* Swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

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Patent

2 *Minutes of the Parliament of SCOTLAND,*

Patent Creating Lord *Henry Scot* Earl of *Deloraine* Read, and Ordered to be Recorded; Whereupon he Swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

The Viscount of *Kilsyth* Swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Moved, That the Lord *Banff*, who was sometime Papist, being now Protestant, and willing to sign the *Formula* subjoyned to the Act of Parliament in *November 1700. For preventing the Growth of Popery*, may be admitted, and accordingly he having taken and signed the *Formula*, he thereafter Swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Petition Lady *Mary Bruce* and *William Cochran* younger of *Ochiltree* her Husband for his Interest, against admitting of Sir *Alexander Bruce* to sit in Parliament in the Rank and Dignity of Earl of *Kinecardin*, Read, Sir *Alexander Bruce* in Answer to the said Petition, craved that the Patent in Favours of Earl *Edward Bruce* of *Kinecardin*, might be also Read, which being accordingly Read; after some Debate upon the Case, It was put to the Vote, *Hear the Parties further upon the Matter, Or Admit Sir Alexander*, and it carried *Hear*, and the next Sederunt appointed for a Hearing.

Her Majesties Letter to the Parliament, presented by Her Majesties high Commissioner, was Read first by the Lord Clerk Register, and thereafter Read again by one of the Ordinary Clerks.

Her Majesties high Commissioner made his Speech to the Parliament; as also my Lord Chancellor made his Speech.

And Her Majesties Letter and the said Speeches were Ordered to be Printed.

Articles of Union agreed on by the Commissioners Nominated on behalf of the Kingdom of *Scotland*, and the Commissioners Nominated on behalf of the Kingdom of *England* presented and Read, and Ordered to be Printed, and Copies to be delivered to the Members of Parliament.

Thereafter Ordered, That the Minutes of the proceedings of the Commissioners of both Nations for the Treaty of Union be likewise Printed.

Adjourn'd to *Thursday 10 October, 1706.*

OBSERVATION 1st.

"It might be noticed here, That several Gentlemen take the Oath of Parliament, who had not done the same before; I observe it, because it was said, that some did so particularly to Qualifie themselves to be Serviceable in this Cause, to the respective Interests they Espoused, I do not say it was so, nor do I care to distinguish Persons so much, as to put any Mark upon Names from Common Fame, every one is to Judge of that as they think fit.

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“ The Party against the Union finding the Articles, as they were concluded at *London*, were concealed, or at least not made publick, gave out in *Scotland*, That the *Scotts* Commissioners having had it in their Power to obtain most Advantageous Conditions from *England*, but having been brought basely to submit to the Arbitrary Designs of some Leading Men employed in the Treaty in *England*, they had been very superficial in their Demands, and therefore durst not publish their Proceedings, till the Parliament of *Scotland* met, and then the whole Treaty would be rejected, which would be agreeable to others of the Commissioners of both Nations: This groundless Opinion being diffused, and believed by many of their Party of best Sense, made them easie and unactive, till too late they perceived the Queen, Her Ministers, and all Persons concerned in Adjusting that Treaty, to be in earnest, and then they turn'd the same Notion to another Use, viz. To Calumniate and Reproach the Commissioners.

“ The Printing the Articles also, which the Opposers of the Union afterwards boasted of as their Act and Deed, was introduced against their Design; For, at the private Meetings of those against the Union, the Question was, how to delay the Printing of the Articles, or any thing else, whereby to gain Time, till the Parliament of *England* should meet, which was then Prorogued to the twenty third of *October*; So that both Parliaments sitting together, they expected to confound the Measures for carrying on the Treaty by mutual Proposals, Doubts, &c. But this Project of delaying the Printing of the Articles was prevented, for the Articles being presented and read, after a long Silence in the House, Mr. *Seton* of *Pitmedden* rose up, and told the Lord Chancellor, That he found himself obliged to propose the Printing the Articles, which had been read in the House, to the end the Curiosity and Judgment of all sorts of People might be satisfied, and that the not Printing might be no Argument, in time coming, for a Delay to the Ratifying of the Treaty. Which Proposal was resumed by the Lord Chancellor, and no Member opposing or seconding it, he looked upon it as Acquiesced to, and Ordered the Articles to be Printed.

“ Nota, The Minutes of the Treaty at *London*, and the Articles agreed on there, should have been inserted here, but they are already brought in at large, and need not be repeated. The Speech of the Lord Commissioner also, and the Lord Chancellor, together with the Queens Letter, are Inserted in the Part immediately preceeding this, to which I refer; And therefore, and to avoid Repetition, they are left out here, tho' they properly belong to this Days Minute.

MINUTE II.

Thursday 10. October, 1706.

The Earl of *Sutherland* Protested against the Calling any Earl before him in the Rolls of Parliament.

Alexander Abercrombie of *Glasloch*, Commissioner for the Shire of *Banff*, in place of *Alexander Duff* of *Bracco* deceased, swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Act for Settling the Orders of the Parliament House Read, and Copies thereof Ordained to be Affixed on the Doors, and other Places, according to Custom.

The Case Lady *Mary Bruce*, and her Husband for his Interest, against Sir *Alexander Bruce* of *Broomhall*, Called, and their Procurators being heard, and the Parliament having considered the Debate, it was put to the Vote, *Admit Sir Alexander Bruce, or no*; and carried *Admit*: (Reserving to Lady *Mary Bruce*, and her Husband for his Interest, their Right and Declarator before the Lords of Session, as accords.) And he did take his Place as Earl of *Kincardin* accordingly, swore the Oath of Allegiance, subscribed the same with the Assurance, and took the Oath of Parliament.

Adjourned till Saturday next at Ten a Clock.

OBSERVATION II.

- “ The Earls of *Sutherland* and *Crawford*, in the Process of this
- Protest against each other for Precedency, produced the Noblest
- Documents for the Antiquity of their Families, such as very
- few Families in the World can Imitate.

MINUTE III.

Saturday 12. October 1706.

The Lord *Oliphant* Swore the Oath of Allegiance, Subscribed the same with the Assurance, and took the Oath of Parliament.

Moved, That the Articles of Union, agreed on by the Commissioners Nominated on Behalf of the Kingdom of *Scotland* and *England*, be again Read; And also Moved, That the Minutes of the Proceedings of the said Commissioners be likewise Read; And after some Reasoning, It was agreed, That the said Articles of Union should be Read; And Ordered, That all Records relating to former Treaties, betwixt the two Kingdoms, be laid on the Table, and in the Intervals of Parliament they be to be seen in the Laigh Parliament House, where some of my Lord Registers Servants are to attend. () And

And the Articles of Union being accordingly again Read, It was agreed, That the Parliament should proceed to the Consideration of the said Articles of Union the next Sederunt.

Adjourned till Tuesday next at 10 a Clock.

OBSERVATION III.

" Great Opposition was made in Parliament this Day against Reading the Articles —, and several Arguments brought by the Gentlemen on that side for Delays —, among which this was one, and this the first time it was started in the House, viz. The Consulting Principals or Constituents, and some Gentlemen went so far, as to acknowledge the Power of a Member of Parliament was Limited by their Constituents; and that the Parliament could not lawfully Debate, much less Determine an Affair of such a Nature as this; viz. Of Destroying the Constitution, without, as aforesaid, Consulting and Obtaining the Consent of their Constituents.

It was Replied that,

" 1. This was not a destroying the Constitution.

" 2. The Parliament was particularly Called by Her Majesty for this End; and the Work expressed in the Proclamation for their Election, and that therefore they were particularly Elected by their Constituents for this Work, and thereby Impowered to Debate and Conclude it, without farther Powers.

" 3. Others Argued the Positive, and Affirmed the Parliament had full Power to Act on this Matter, tho' there had been no such Expression in the Proclamation.

" The Debate was long, and warm enough, and began to inform us what was to be expected; but on the whole it was carried to Read the Articles, by a great Majority: The other being taken as an Attempt to gain Time.

" A Proposal was made this Day for a General Fast —, which occasioned some Debates, but was Adjourned.

" And here it was very publickly observed, from what Hands the Motion of a Fast came: Some maliciously enough, tho' merrily, Noted, That the Motion of a Fast came first from those, who were very rarely observ'd either to Fast or Pray, and that now began to Talk so Religiously, that it was taken for a meer Banter.

" On the other Hand it was observed, That the most Sobet and Religious Members, both of the Nobility and Gentry, opposed this Motion in the House; But the Reason was evident.

" The great Project just then carrying on in the Kingdom, was to Amuse the People, Possess them with Fears of some Strange Thing then Transacting, and of Impending Dangers dreadful to the Kingdom, and which they had no Remedy

to prevent, but as in great Distress, to fly to their Prayers as Mariners in a Storm — : This they thought would, of Course, be made the more Terrible by the Ministers in general, exciting the People to extraordinary Humilliations, which, *whether ill design'd or no*, might be ill enough improved, and the People thereby made the more Uneasy.

"Perhaps also they might hope for some Indiscretion and undue Warmth in the Pulpit, especially from some Men, which they were willing to think they could influence to so much Weakness, but in this also they were disappointed.

"For the same Reasons, those Gentlemen who were of the most Religious Conversation, and known to be well Affected to the Church, and to any thing that had but an Aspect of sincere Piety, were nevertheless against this Fast, as Unseasonable and Dangerous, and as a thing they foresaw was design'd particularly to make the People Uneasy with these Prospects; The Debate was urged warmly enough on both sides, but at last was Adjourn'd; and so the designed Fast was put off for the present, tho' it was afterwards introduced piecemeal, and all the use made of it that could be to raise the Spirits of the People, if possible, to the Disorders aimed at, as we shall see in the Sequel of this History.

MINUTE IV.

Tuesday 15. October 1706.

Warrant Granted to the Barons and Freeholders of the Shire of Fife, to meet on *Tuesday* the Twenty Ninth instant, to elect a Commissioner in place of Sir *Archibald Hope* of *Rankeillor* deceased.

Moved, That according to the last Minutes, the Parliament should now proceed to the Consideration of the Articles of the Union.

Moved, That the Members of Parliament may yet be allowed Eight Days further to consider more deliberately the Articles and Minutes; and after some Reasoning, it was put to the Vote, *Proceed presently to the Consideration of the Articles of Union. Or, Continue the Consideration thereof till the first Sederunt next Week*, and it carried *Proceed*.

Whereupon the first Article of Union was Read, as also the Minutes of the Proceedings of the Commissioners for the Treaty, relative thereto, and Her Majesties Commission to the Commissioners for the Treaty on behalf of this Kingdom, were likewise Read; and after some Reasoning and Discoursing thereupon, the further Consideration thereof was Delayed till the next Sederunt of Parliament.

Adjourned till Thursday next at Ten of the Clock.

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OBSERVATION IV.

"Here, the Gentlemen who appeared against the Union; finding they could not carry the Point, as Debated the last Day, Moved for a Delay of but Eight Days; and several Arguments were offered, to obtain so short a Delay.

"But in this, they lost several of those who Voted with them before, and who seeing the Vote of Consulting Constituents Rejected, could not be convinced of the Advantage of eight days Delay; and this made it seem more particularly a Design only to Delay.

"Whereupon the Question being put, it was carried by a great Majority; And this was the first Tryal of the Strength of the Parties, and the first encouraging Proof that the Union would go on: The Majority on this Vote was sixty four, but the Names having not yet been Ordered to be made publick, it was not known who were on one side or the other.

"Before this Vote was put, it was also Debated, whether this Reading of the Articles, should be in order to proceed upon them to a Vote. And here again the Gentlemen had their Turn of Advantage, nor was there any great Opposition; for those who were for the Union, were yet willing to have it fully Debated, and all things for its better Explanation understood, and were content to have it as thorowly Examined as they pleased, and therefore gave their Votes freely for a general Reading.

"The other Gentlemen who were only pushing at Delays, and striving to gain Time, thought they gain'd a great Point in this, and therefore with all their Interest they push'd at a general Reading only, which was presently agreed to, viz. *That the Articles should be Read and Discours'd of in this Parliament; but that none of them should be Voted, till all was Read over and Considered.*

"Upon the above Debate, and concluding only to Read and Discourse, the first Article of the Treaty was Read publicly, but the Reading of the Commissions and Minutes, taking up a great deal of Time, there was not much Discourse in the House at that time, for the great Affair now in Agitation, was to stir up the People without Doors, and bring them either by Clamour, Tumult, or Tumultuous Addresses, to declare a general Dislike both of the Union in General, and of the Articles in Particular; And at this time they began to Threaten from without Doors.

"The Streets and Doors were exceedingly Throng'd this Day in expectation of the Event, the People expecting ignorantly to hear whether the first Article was Voted and Approved, or Rejected; and when some Body came out and said

‘ said Unwarrily the first Article was not Voted, it run thro’
 ‘ the Town, that it was Rejected; And the Mob, who ap-
 ‘ peared now to be Managed by some Gentlemen, began
 ‘ to Shout, and People apprehended the Union had been Voted
 ‘ against in the General, but they were Discovered too soon
 ‘ by this, and it was presently understood, that the Article was
 ‘ only Discoursed of and the Discourse Adjourned too.

“ The next day the Minutes being Printed, the Minds of the
 ‘ People were a little Cool’d, when they saw the House went
 ‘ on so deliberately, and that nothing was to be Voted, while
 ‘ all the Articles were Read over and Considered.

MINUTE V.

Thursday 17. October, 1706.

Address of the Commission of the late General Assembly of the Church of this Kingdom, for Establishing and Confirming the true Protestant Religion, and Government of the Church, as by Law, Established therein, Read; And thereupon the Parliament Declared, That, before Concluding the Union, They would take the said Address to their Consideration, and would do every thing Necessary for Securing the true Protestant Religion and Church-Government, presently by Law Established in this Kingdom.

Dispensation granted to Inferior Courts to sit, notwithstanding of the sitting of the Parliament.

The Parliament proceeded to the further Consideration of the Articles of Union, and the second Article thereof was Read; As also the Minutes of the Treaty relative thereto; and the Act of the Parliament of *England* in the first Year of the Reign of Their late Majesties King *William* and Queen *Mary*, Intituled, *An Act Declaring the Rights and Privileges of the Subjects, and Settling the Succession of the Crown*, were likeways Read, and were thereafter Reasoned and Discoursed upon.

The Third Article Read.

And thereafter the Fourth, Fifth, Sixth, Seventh and Eighth Articles were all severally Read, with the Minutes relative thereto, and were all Reasoned and Discoursed upon.

Adjourned till Saturday next at Ten a Clock.

OBSERVATION V.

“ The Commission of the General Assembly having sate from
 ‘ the 9th Instant, had been in several warm Debates about the
 ‘ Matter, in what manner they should behave themselves
 ‘ in this Juncture: Some Hot Gentlemen had given them Di-
 ‘ sturbance

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‘ disturbance enough about the Matter of the Fast, and without Doors it was Reported, they would Protest against the Union.

‘ But the Generality being Governed by more Temper and Moderation than some People hoped for, all things went on there peaceably, *I mean*, as to their publick Resolutions; And the Address to the Parliament was conceived in as Moderate Terms as could be expected, and is at large Printed in the *Appendix, N. B.*

‘ The Answer to it was also satisfactory enough —, in that they declared, they would go upon the Address, before any thing was concluded; It was however warmly pressed in the Parliament, That the said Address should be immediately entered upon, before they went on upon the Union —; But this, as another Advantage design’d for Delay, was check’d, and the Answer in the Minute agreed upon.

‘ Great Pains was taken also at this time, to make the Commission of the Assembly uneasy at this Answer, as not satisfactory; Jealousies were fomented, and Suggestions whispered about from one to another, as if the Parliament design’d to postpone the Affairs of the Church to the last, and so perhaps drop them at once: This obtained but too much, and being put forward by warm and uneasy People, grew higher and higher, and help’d on the Inflammations which unhappily follow’d.

‘ The subject of the First Article, tho’ not Named in the Minutes was also re-assumed in the Discourses of this Day, and several Arguments against the Union it self, as an Incorporating Union, were brought, in order to prove it Impracticable, Inconvenient, and Disadvantageous to *Scotland*; And therefore, that they ought rather to proceed upon the Consideration of the general, before they went on to the particular Articles.

‘ This however was only Discoursed, and the Reading the several Articles having been already Approven, they proceeded to the Reading the rest of the Articles, as in the Minutes.

‘ In the Reading the Second Article, the *English Act* of Parliament for Limiting the Succession, &c. was Discoursed on, and much was said about the *English Limitations*; and some People that had been of another Mind formerly, seem’d to discover an Inclination of coming into the Succession with Limitations, and began to enter into the Matter of Limitations; But this being remote to the Work was dropt for the present, and we shall meet with it again in its place.

‘ The Third Article also relating to Uniting the Parliaments of both Kingdoms was Read, and some took the Liberty to Jest with it as a Chymical Calculation, and that they had no Power to Alter the Representative of the Nation, that *Scotland* could not Consent to be Govern’d by any other

other Representative, than they were now; And that, if the Parliaments were to be made one, *Scotlands* whole Parliament ought to be joyned to the *English* Parliament, and that *Scotland* ought no more to Abridge her Representative than *England*, and the like.

“ But the Unreasonableness of this was urged from the Disparity, in Extent of the Country, Number of People, and Proportion of Taxes, of which hereafter.

“ The Five Ensuing Articles being all upon Privileges of Trade, Excises and Customs, the Discourses were very general on both sides, and those things seem'd referr'd to more Debates afterwards. All that was said of those things now, seem'd rather to tend, if possible, to perswade the People in general, that the Union was Impracticable, that *Scotland* could not come into the Taxes, and that the Equalities talk'd of, would ruine their Trade and starve their Poor.

“ Without Doors, strange Use was made of these Articles of Taxes, and the People were made to believe, their Salt, their Malt, their Beer, their Fish, would all be Loaded with Insupportable Taxes, and their whole Trade should be ruin'd, their Houses plunder'd for Taxes, and their People starv'd; And no Man that shall see, with what Frightful Apprehensions the poor People were posselt, will any more wonder, they were so easily brought into Tumults and Disorders—

“ Nota, *This Day there were strong Rumours about the Town, of the Mob coming up to the Parliament, to demand, That the Crown and Scepter of Scotland should not be given up, and carryed away to England.*

“ This was the Effect of some Popular Speeches let fall by those Gentlemen who opposed the Treaty, and industriously spread about the Town a Report, That the Sovereignty of *Scotland* was to be Subjected to the *English*; And the poorer sort that understood less, had the same Thing in other Words, viz. That the Crown of *Scotland* was Betray'd; That it was to be carryed to *England*, and never to be seen here more. Of which see at large in its place.

“ The House, however, took no Notice of this yet, as being a Rumour only, tho' the Members were not without Apprehensions, That it might rise to a greater Height; And that they might come to be Insulted, even in the House, as indeed was afterwards very probable.

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MINUTE VI.

Saturday 19. October 1706.

Minutes of the last Sederunt Read.

The Parliament proceeded to the further Consideration of the Articles of Union, and the Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Articles were all severally Read, with the Minutes of Treaty relating thereto, and were all Discoursed on.

The Fifteenth Article of Union was likewise twice Read, and Discoursed and Reasoned on; as also, the Minutes relative thereto: And after some Reasoning thereon, there arose a Debate about the Calculation of the Equivalent of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings therein-mentioned, which was adjourned till the next Sederunt of Parliament.

Adjourned till Tuesday next at Ten a Clock.

OBSERVATION VI.

"The Calculations of the Ninth Article were a little Examined, but appeared so Just, and the Equalities so well Stated, That there was no Room to object; For the Cess being but the same upon *Scotland* as before, there could nothing be said, why they should not go into Measures for carrying on any joynt Expence, which, in Time to come, the United Body should see Cause to put the Whole to.

"And this was the first Visible Explication of the Doctrine of Equalities, and a Proof that Equalities consisted in Proportions, of which more hereafter: Some People, to serve the Designs now on Foot, had made the Ignorant People believe, That, by Equalities, would be understood a Numerical Equality, and that *Scotland* should pay in every Thing just as the *English* did —; This did therefore a little serve to open the Eyes of Considering People and let them see, that the Treaty had been founded upon something of Justice; For, by this time, it had been Represented as a Strange many-Headed Monster, that had nothing but Mouths and Teeth, and Unfathomable Gulphs to Devour and Destroy the People.

"The Five Articles between the Ninth and Fifteenth requir'd little Debate, since they consisted only of Negatives, and Provision made for *Scotland* against payment of any of the Duties then Levyed in *England* by the Stamp-Office Tax, Glass-Window Tax, and the several Duties on Coals and Malt, together with Exemption from any of the Proportions of Cess as above for the first Year —; Only, from these Ar-

‘ ticles, some Gentlemen took Occasion to remind them of the
 ‘ Necessary Care taken by the Treators, to Exempt Scotland in all
 ‘ Cases from such Burdens, as they found them unable to bear,
 ‘ and which absolute Necessity did not oblige them to subject
 ‘ her to, and in such Cases to receive Equivalents, for what
 ‘ ever they were oblig’d to come into by the Necessity of
 ‘ Trade.

“ But the Ferment was now grown high, and, these Dis-
 ‘ courses had little Signification, the People being Unhappily
 ‘ Prepossess’d beyond the power of Convictions.

“ The 14th Article occasioned long Discourses, both within
 ‘ Doors and without, and a great many ill natur’d Things
 ‘ were said on both sides, the Matter of an Equivalent had not
 ‘ yet been Examined much into, and the Reason, Nature, and
 ‘ Necessity of it, had gone but a very little way into the Un-
 ‘ derstandings, even of the Gentlemen themselves. The Trea-
 ‘ ters also here met with some Indecencies, and the Reflections
 ‘ made on them, had such an Effect in publick, as had they not
 ‘ met with some Check, might have been personally Mischie-
 ‘ vous to them, as to the partact’d Abroad; see Fol. 28 of the next
 ‘ precedent part. Within Doors they met with some very unkind
 ‘ Reproaches, as if they had not made due Provisions for their
 ‘ Countries Necessities, had consented to Intolerable and Un-
 ‘ just Burthens, and had Mock’d them with the Notion of an
 ‘ Equivalent, which did not lessen the Burthens upon the Na-
 ‘ tion their payment being to be Levied where it could not be
 ‘ paid; and then repaid again where it was not Levied.

“ To make good these Charges, they pretended to make
 ‘ Calculations upon the Proportions of the said Equivalent, and
 ‘ some indeed brought in their own rough Draughts of Dis-
 ‘ proportions, whereupon it was Moved, That the House should
 ‘ enter upon more exact Calculations, and Examine the matters
 ‘ of Fact. Of which see the next Minute.

M I N U T E VII.

Tuesday 22. October 1706.

The Debate anent the Calculation of the Equivalent of Three
 Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings
 mentioned in the Fifteenth Article of Union, resumed; and after
 some time spent thereupon, It was agreed to Nominate a Committee
 of Three Persons of each State to Proceed and Examine the Calcu-
 lation of the said Three Hundred Ninety Eight Thousand Eighty
 Five Pounds Ten Shillings, and to Report to the Parliament, and
 the next *Sederunt* of Parliament appointed for Nominating the said
 ommittee.

Thereafter

Thereafter several Paragraphs of the said Fifteenth Article were again Read, and further Reasoned and Discoursed on.

The Sixteenth and Seventeenth Articles were also Read, and the Minutes relative thereto, and were Reasoned upon.

The Eighteenth Article and the Minutes relative thereto were likewise Read, and after some Discourse and Reasoning thereon, The further Consideration of the said Article was delayed till next Sederunt of Parliament.

Adjourn'd till Wednesday 23 October 1706.

OBSERVATION VII.

"The Debate of the Equivalent grew higher this day than before; and the Fifteenth Article was the Subject of a great Deal of ill natur'd Discourse in the House; From without there was a very Terrible Clamour; and the Humours of the People being brought as it were to a pitch; but too much appeared to Correspond with some thing visible within Doors. Several very unkind Reflections were made upon the Treaters, not upon their Judgments only, but upon their Integrity, as if they had been less just to their Countrey, than consisted with the Trust Reposed in them.

"The Gentlemen on the other hand defended themselves as calmly as they could, and endeavour'd to clear up the Objections made to the Justice of their Proceedings; offered to Examine the Calculations, and Answer any thing that could be objected: But the House grew too much out of Temper to talk much of it then; and the Prudence of the High Commissioner; in order to Calm Things; and keep them as Easy as possible, prevented its running Higher at that time——. The former Proposal was Reassumed; *viz.* To refer it to the Examination of a Committee; And the House was Moved to Name the Committee.

"Upon this Motion; it was again Moved; That none of the Treaters should be capable of being Named to the said Committee——. This, tho' it look'd, as if the Committee were to be a Jury upon the Treaters; to Examine their Conduct, yet the Gentlemen unanimously agreed to; And the Choosing a Committee was Approven; who went thorow the Calculations; and gave in such exact Accounts of Things, as abundantly cleared up the Reputation of the Commissioners.

"It was also Moved, that to Assist the said Committee; Two very able Accomptants; or Arithmeticians should be found, to Examine the Calculations; one of which was Dr. James Gregory; Professor of the Mathematicks in the College of Edinburgh; The other was Dr. Thomas Bowar, Professor of the Mathematicks in the College of Aberdeen.

"The Sixteenth and Seventeenth Articles about the Coin; and about Weights and Measures; occasioned little or no Debate.

"The Eighteenth Article had indeed some Discourse upon it, as what should, or should not be Alterable by the Parliament of *Great-Britain*, and some Gentlemen were for Establishing all the present Laws, without Alteration; A thing no Nation in the World practises, since Circumstances of Nations Altering, may always make it Necessary to Alter, Amend, Renew, or Repeal the Laws and Usages of a Nation:

And the Distinction in the Article it self, was such, as few could object, viz. *That no Alteration should be made in the Laws, respecting private Rights, except for the evident Utility of the Subject within Scotland.* This therefore, seemed to Explain the true Meaning of the Article in that Point; yet the other part of the Article about the Laws of Publick Right, Policy, and Civil Government, being made the same throughout the whole United Kingdom; this occasioned long Discourses, and held the House so late, that they thought fit to Adjourn it till the next Sederunt.

MINUTE VIII.

Wednesday 23 October 1706.

The Parliament, conform to the Minute of the last Sederunt, Proceeded to Elect the Committee for Examination of the Calculation of the Equivalent of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings. And the Three Estates Separated to their usual Places, Returned and Reported their respective Elections, and the List of the Committee is as follows; Of the Nobility, The Marquess of *Montrose* Lord President of the Privy Council, the Duke of *Argyle* and the Marquess of *Tweeddale*; Of the Commissioners for Shires, Sir *Alexander Campbell* of *Cesnock*, *George Baillie* of *Jerviswood* and *John Hadden* of *Glenagies*; Of the Commissioners for Burghs, *Robert Inglis*, Lieutenant Colonel *John Areskine* and *Hugh Montgomery*, and the Committee was appointed to meet in the Inner-Session House the first Interval day of Parliament, at Ten of the Clock in the Forenoon.

Thereafter the Eighteenth Article of Union was again Read, and upon Reasoning thereon, It was Moved, That the *English* Laws concerning Regulation of Trade, Customs and such Excises, to which this Kingdom by virtue of the Treaty, is to be lyable, be Printed for Information. Moved likewise that it be Remitted to a Committee to Consider the several Branches of Our Trade as to Export and Import, with the *English* Laws and Book of Rates in Relation thereto, with the Customs and Excises thereof, for the Satisfaction of the Members of Parliament thereanent, and to cause Print such of the Acts of the *English* Parliament concerning the same as they

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they find expedient, or to Report to the Parliament; and after some Debate on these Motions, The further Consideration thereof was delayed till the next *Sederunt* of Parliament.

Adjourned till Friday 25 October 1706.

OBSERVATION VIII.

" This was the Fatal Day of the Tumult in the Streets, and the House was no less warm within, proportionably speaking, than the Gentlemen were without, all which had its Share in Agitating the publick Confusions: I am far from saying, That the Arguments used within Doors, occasioned the Rabbles, but the Improvement a Party without Doors made of them, and the manner in which things now said in the Parliament were Represented without, concurr'd to encrease the Ferment of the Nation.

" The Discourses on the Eighteenth Article were now carryed on with great Warmth; Many long Speeches were made this Day, too long to be set down here, but tending all to this, That *Scotland* ought not to subject themselves to Duties of any sort, before it should be known what such Duties were; That no Laws of Customs or Excises should take place, and that it could not be proper to allow the several Laws of Excise or Customs in *England*, till it was first calculated and agreed; what Customs and Excises *Scotland* was to pay —; Then the Discourses on the paying Equalities of Taxes being re-assumed, some took Occasion to make Reflections again on the Treaters; for subjecting their Country to Taxes, which first they alledged they did not understand, and secondly they were not able to pay.

" The Reproaches cast upon the Treaters, the ill Behaviour of some Members, and the Indecencies shown in these Cases, were so Universal, that even Her Majesties High Commissioner did not escape, but was very ill used; which nevertheless His Grace with a great deal of Temper suffered, without any Disorder, preferring the publick Peace to all his private Resentments; And by this Prudence prevented those who desired to have things Exasperated, and hoped to see the Resentment of the Government run up first, that they might have something to pretend for the Irregularities which follow'd.

" It may also be observed here, That the Printing the *English* Laws, Books of Rates, Excises and Customs, which it was very certain would not be understood here, and from which a thousand false Suggestions would every day be raised, whence few People could Answer, was a Design calculated for a great many Ends, which were to be Answer'd in the future Proceedings, and of which we shall hear more hereafter.

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" A Committee was Nominated also for this Work, and thousands of Difficulties were continually raised in the Mouths of the People, to Expose the Treaty, and Exasperate the People, such as, That the Tax upon Salt was intolerable, and that it would Destroy the Fishery, and the Poor were Represented to Subsist so much upon Salt, as if it had been one of the greatest parts of their Food.

" The Excise on Beer, Ale, &c. was Represented as Insupportable, and great Pains were taken to prove, that the *English* paid 4 *sh.* 9 *d.* per Barrel upon their Table Beer, and that the *Scots* Small Ale must pay equal Excise to the *English* Strong Beer, And this was publickly Printed in the streets, on purpose to Enrage the People.

" It was in vain to offer Calculations on these Heads —; And tho' it was, by the Author of this Work, proved by direct and positive Demonstration, that the Excise of their Ale could, in Proportion, pay no more than it did now, even by the Calculation of the *English* Excises; And that the Expence of Salt, in any House in the Kingdom, could not rise to above 20 *d.* per Head per Annum, yet it was in vain, all Calculations of this sort were ridiculed and exposed as false and partial, and the Author maltreated in Print for his Essays on those things, as an Enemy to the Country, and in order to expose him to the Fury of the Rabble, which had particularly mark'd him out for Destruction, in the general Comotions which follow'd.

" But all these Calculations appeared afterward to be right, as in their place will more particularly appear.

" However, the whole Debate of this Day could not bring them over the Eighteenth Article, the farther Discourse of which was, as per the Minute, adjourned, and what interrupted it further, you will see in the next Days Work.

" The Salt was an Argument People stuck very close to, and strove to make it Popular; For the Poor seemed to be concerned in it, and those that espoused it, whatever their Ends were in espousing it, they always made the Relief and Ease of the Poor the main Argument: This was Taking and Engaging with the Common People, and as much Use was made of it, as if the Salt had been a principal part of their Food, and the Duty so great, that the Poor must have been starved, if they had payed it —; The Debate, however, had this Effect, that it brought the Parliament to enter into the Consideration of Amendments and Exemptions, which they particularly settled in this Affair, and which the Parliament of *England* easily came into, as will appear in its place.

MINUTE IX.

Friday 25. October 1706.

The Lord high Chancellor Represented to the Parliament, That he was directed by the Lords of Her Majesties Privy Council, to Acquaint the Parliament, That upon occasion of a Rabble and Tumult that happened in *Edinburgh* upon *Wednesday* Night last, by which several Members of Parliament were Threatned and Insulted; The Privy Council had, for the Security of the Members of Parliament and Peace of the Town, brought in a part of the Foot Guards to the Town of *Edinburgh*, and had issued forth a Proclamation against such Tumultuary Meetings, in the Terms of several Acts of Parliament.

Whereupon, and after some Reasoning, a Proposition was made in thir Terms, That the Estates of Parliament being sensible of the Care and Concern of the Lords of Privy Council, to Suppress the late Tumult and Mob, and to secure the Safety and Quiet of the Parliament, That therefore they should Return to their Lordships the Thanks of the Parliament, and should Recommend to my Lord high Commissioner and the Privy Council to continue their Care for the Safety and Security of the Parliament, and the Peace and Quiet of the Town; which being Read,

After some Discourse thereupon; It was Moved, That the Proclamation of Privy Council should be Read, and the samen being accordingly Read, the Earl of *Errol* Lord high Constable gave in a Protestation in the following Terms, *That he for himself, and in Name of such as should Adhere to his Protestation, protested, That the continuing of standing Forces within the Town of Edinburgh, and keeping Guard with them in the Parliament Closs, and other places within the Town the time of Parliament, (as at present is done) is contrary to the Right of his Office as high Constable; by which he has the only Privilege of Guarding the Parliament without Doors, as the Earl of Marischal has within Doors, and is an Incroachment on the Rights and Privileges of Parliament, and on the particular Rights and Privileges of the Town of Edinburgh; and if any Vote shall pass contrair to his said Right, or the Right of the Earl Marischal, or Rights and Privileges of Parliament, or the Town of Edinburgh, That it shall not in any time hereafter prejudice the same, or be any ways drawn in Consequence;* And he desired the said Protestation to be insert in the Minutes, and Recorded in the Books of Parliament; Which Protestation being Read, the said Earl of *Errol* did take Instruments thereupon, and the Duke of *Hamilton*, Duke of *Athol*, Marquess of *Annandale*, Earl *Marischal*, Earl of *Wigtoun*, Earl of *Strathmore*, Earl of *Selkirk*, Earl of *Kincardin*, Viscount of *Stormount*, Viscount of

of Kilsyth, the Lord Semple, the Lord Oliphant, the Lord Balmerinoch, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, and the Lord Kinnaird, George Lockhart of Carnwath, Sir James Foulis of Collington, Andrew Fletcher of Saltoun, John Brisban of Bishoptoun, Mr. William Cochran of Kilmaronock, John Steuart of Kinwhinlick, John Grahame of Killearn, James Grahame of Bucklyvi, Robert Rollo of Powhouse, Sir Patrick Murray of Auchtertyre, John Murray of Strowan, Sir Thomas Burnet of Leys, Alexander Gordon of Pitlurg, James More of Stoniewood, Mr. Patrick Lyon of Auchterhouse, David Grahame of Fintry, James Ogilvie younger of Boyn, Alexander M'gie of Palgown, Mr. James Dumbar younger of Hemprigs, George Mackenzie of Inchcoulter, Alexander Robertson, Alexander Edgar, Alexander Duff, Francis Mollison, Robert Kellie, Mr. William Sutherland, Archibald Shiells, Mr. John Lyon, Mr. John Caruthers, George Home, Mr. James Bethun, John Bayne and Mr. Robert Frazer adhered thereto.

And after some further Debate upon the said Proposition, a Vote was stated *Approve thereof or not*. But it being Objected, That the same consisted of Two distinct Articles, The one Approving what was done, and the other Recommending to the Privy Council, to continue their Care, which ought to be separately Considered and Voted; The Vote was thereupon stated, Whether the Proposition should be Voted *Joyntly* or *Separately*.

But before Voting, upon a Motion made by the Commissioners for the Town of *Edinburgh*, It was agreed to, That it should be but prejudice of the said Town of *Edinburghs* Rights and Privileges by their Charters.

Then the Vote was put *Joyntly* or *Separatly*, and it carried *Joyntly*.

Thereafter the Vote was put *Approve of the Proposition or not*, and it carried *Approve*.

Adjourned till Munday 28 October 1706.

OBSERVATION IX.

"This whole day was a meer Interruption to the Reading of the Articles, and the House was employed wholly on the Affair of the Rabbles.

"The Lord Commissioner having found the encrease of the Mob come to such a Degree, as that the whole City was in Danger, and indeed the whole Constitution would otherwise have been Exposed; His Grace ordered the Guards to enter the City about One of the Clock in the Morning, to assist the Magistrates, by which means the Tumult was Appeased, and the Rabble dispers'd; some of the Rioters had been seized and secured, and the Souldiers kept Post in the City all that Night, the ensuing Day and the Night, and part of this Day, without being Relieved, tho the Weather was exceeding Cold.

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"The Council had the Day before, Ratified what the Lord Commissioner had done, and it was not doubted but the Parliament would do the same; the absolute Necessity of such a proceeding, being, as was thought, enough to satisfy any Body who was not for having the Civil Authority subjected to the Insolencies of the Rabble.

"But People were strangely surprized, when they saw this strenuously opposed in the Parliament; and had it not been carried by a Majority in the House, the Consequences must have terminated in a second Rabble, more Fatal and Furious than the first.

"The Marquess of A——le was the first Man who made Objection against it, and pleaded, That it was an Encroachment upon the Liberty of Parliament, and taking away their Freedom of Speech; That it was Awing the House with Souldiers, and bringing upon them Arbitrary Government; and several Speeches were made to this purpose, in which one Noble Person said, He could perceive the Difference already in the Votes of the House, and that the Influence of the Souldiers had Altered the Matter.

"These were hard Sayings indeed, and it was thought a hard Point, that People should call the being subjected to an Ungovern'd Rabble, Liberty of Parliament, and the Clamours of the Mob, Freedom of Speech; It was plain, if the Guards were not brought up, the Members of Parliament would be Aw'd, and the Treaters Massacred by the Mob; and to place Guards to Suppress Tumults, and Restrain the Head-strong Multitude, was very far from Awing the Parliament; it being also apparent, that this Guard was intirely subordinate to the Commands of the Parliament, and were placed to Maintain, not Infringe the Liberty of Speech they spoke of; That no Man could be Influence'd by Men set on-ly to keep the Peace, and disperse Rabbles, and in a Case when it was apparent to all the World, the Necessity was such, That, unless these Rabbles were suppress'd, the Parliament could not sit at all, nor the Business they were Assembled for be Debated.

"The Opposers, however, maintain'd the Dispute a long time; but when they came to the Question, it was apparent, a great many of their Friends, in other Cases yet, were so convinc'd of the Necessity of this, That they Voted against them, and so the Actions of the Lord Commissioner, and also of the Council, were Approved, and the Thanks of the House Ordered, as in the Vote.

"The Protesters are Named in the Minute, as above; And this, I think, was the first Protest made in Parliament, upon the Affair of the Union.

“ This Debate, of Course, put off the further Consideration
 ‘ of the Eighteenth Article of the Union, which was the
 ‘ Work of the Day.

“ There was great Struggling in the House, on Pretence of
 ‘ the Infringing the Privileges of the City of *Edinburgh*; But
 ‘ the Magistrates having declared themselves satisfied in the
 ‘ Necessity of the Case, and the Impossibility of Keeping the
 ‘ Peace without this Method, that Debate was also couch’d in
 ‘ the Protest as above, and every Body acquiesc’d; The
 ‘ Guards continued in their Posts, and the respective Regi-
 ‘ ments Reliev’d one another with Beat of Drum, as is usual,
 ‘ but the Effect was only Keeping the Peace; No Violence
 ‘ was offered to the Parliament, neither were any Souldiers
 ‘ plac’d at the Door to Awe the Members, much less was any
 ‘ denied Enterance, or any other Person Access to them, as
 ‘ on other Occasions —; But the Parliament was perfectly
 ‘ Free, Open and Uninterrupted, the Souldiers were a Guard
 ‘ to them, but not a Guard against them, and it was not in
 ‘ the Power of any Person to say, he received the least Affront
 ‘ from them: Indeed the Souldiers appeared wholly Uncon-
 ‘ cerned in any part of the Affair, they only Executed the Office
 ‘ of a Guard to preserve the Peace, and keep the Government
 ‘ from being Insulted.

“ And in this peaceable Behaviour of the Souldiery,
 ‘ consist’d a great deal of the Success of the Treaty, for this
 ‘ took away all pretence from a party of Men, who aim’d at,
 ‘ and sought for some such Irregularity to complain of, in or-
 ‘ der to have Protested against the Parliament, as under Re-
 ‘ straint, and so having a legal Objection against the Proceed-
 ‘ ings as not Acted in a Free Parliament.

“ This was a Disappointment to a certain great Person, who
 ‘ propos’d a Protest against this very Thing, as an Act of Vio-
 ‘ lence, and so leaving the House as a Body, pretending they
 ‘ were under the power of the Army; But the Souldiers being
 ‘ so Ordered, as to behave themselves quietly, and only taking
 ‘ Post as a Guard to the City, to preserve the publick Peace;
 ‘ the Doors of Parliament being always free and Uninterrupted,
 ‘ those People were Defeated; and even their own Friends,
 ‘ whom they propos’d it to, refus’d them, acknowledging
 ‘ they could not sustain the Allegation.

“ I think it is very necessary to be particular in this case, be-
 ‘ cause I know great Clamours were made, as well in *England* as
 ‘ in *Scotland*, as if the Souldiers, who upon this extraordinary
 ‘ Occasion, were brought into the City, and who did indeed
 ‘ keep Guard in the Parliament Clois, were an Awe and a Ter-
 ‘ ror to the Parliament, and that consequently it was not a free
 ‘ Parliament.

MINUTE X.

Munday 28. October 1706.

Minutes of the last Sederunt Read.

Thereafter the Parliament proceeded to the Consideration of the Articles of Union, and the Eighteenth Article was again Read, and further Discourfed on.

Thereafter the Nineteenth, Twentieth, and Twenty First Articles were Read, and the Minutes relative thereto, and the further Consideration of these Articles delayed till the next Sederunt of Parliament.

Adjourned till the Morrow at Ten a Clock.

OBSERVATION X.

"The Debate of the Eighteenth Article came now on, but the Disturbance and Hurry was such upon all Mens Minds, that there was very little Discourse, but what ran all into the publick Matters, as of the Tumults, the Guards, &c.

"About this time, the Rumours of the Uneasiness of the People in the Countrey began also to Encrease, and the Parliament was daily Threatn'd with Insurrections and Mobs from Abroad; but nothing appear'd publickly yet.

MINUTE XI.

Tuesday 29 October 1706.

The Nineteenth Article of Union was again Read, as also the Twentieth and Twenty First Articles, and were severally Reasoned on.

Thereafter the Twenty Second and Twenty Third Articles were likewise Read, and the Minutes relative thereto, and after some Reasoning thereupon, The further Consideration of these Articles was delayed till the next Sederunt of Parliament.

Adjourned till the Morrow at Ten a Clock.

OBSERVATION XI.

"Nothing Material was offered in the Reasoning upon these Articles, there was some Debate upon the Proportions

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22 *Minutes of the Parliament of SCOTLAND;*

- * of Members for the Parliament of *Britain*, and some Sugge-
- * stions, that *Scotland* ought to Retain her whole Parliament;
- * But those that Opposed it, did not think fit to Enter much
- * into the Dispute of that Point, till the Second Reading of
- * that Article.

MINUTE XII.

Wednesday 30. October, 1706.

The Twenty Second and Twenty Third Articles of Union were again Read, and further Discoursed on.

Thereafter the Twenty Fourth and Twenty Fifth Articles of Union, and the Minutes relative thereto were also Read, and severally Reasoned on.

And Adjourning the Session till the First Day of *December* next, Read, and a first Reading Ordered to be Marked thereon.

Adjourned till Friday next at Ten a Clock.

OBSERVATION XII.

" This Day Ended the First or general Reading of the Articles; And these last Articles being such, as would be Necessary, or not Necessary, as the General Treaty Succeeded, or not, there remain'd no Occasion of Debate on this Reading, since they were not now to be Approved or Voted.

MINUTE XIII.

Friday 1. November 1706.

Moved, That the Parliament now proceed to the further and more particular Consideration of the Articles of Union, in order to Approve them or not, and to begin with and Read the First Article.

Moved also, That the further Consideration of the Articles of Union, be yet delayed for some considerable Time, that the Sentiments of the Parliament of *England* thereanent be known; and that the Members of Parliament may Consult these whom they Represent; And after some Debate on these Motions, The following Petitions and Addresses were presented, viz. One by some of the Barons, Freeholders and others Subscribing the same within the Shire of *Mid-Lothian*, another by some of the Barons, Freeholders

holders and others Subscribing the same, within the Shire of *Lithgow*, and three by some of the Barons and Freeholders of *Perth* Shire Subscribing the same, all against Allowing of an Incorporate Union with *England*, and all Read and Discoursed on; And thereafter the Debate for Delay, on Account of Consulting of those whom the Members Represent, and of knowing the Sentiments of the Nation, and the Procedure of the Parliament of *England*, was let fall, and agreed, that the First Article of Union should be Read, but that it should be intire, next *Sederunt* of Parliament, to Debate, whether or not the first Article be Concluded, by Approving thereof, or not, Or, if the Parliament may not, before Concluding thereof, Begin with and Conclude any other of the Articles, and accordingly the First Article was Read.

Adjourned till the Morrow at Ten a Clock.

OBSERVATION XIII.

“The great Question came now to be Determined —,
‘Whether they should go upon the Treaty, or no.

“Those that opposed it, would not directly Argue against
‘Reading the Articles at all, & so at once Reject the Treaty; But
‘they began to start a new Scruple, *viz.* Why should it be put upon
‘the Parliament of *Scotland*, to Determine first upon the Treaty?
‘Why should not *England*, where the Treaty had been Form-
‘ed, and where their Parliament was now to Sit in a few Days;
‘Why should not they first Signify their Consent to the Treaty,
‘and then the Parliament of *Scotland* might Consider, whether
‘they could joyn with them upon the Terms, YEA or NO?

“This occasioned great Disputes, and many Speeches were
‘made, endeavouring to shew the Reasonableness of having
‘this Matter first Determin’d in *England*.

“It was among other things offered as a sufficient Argu-
‘ment, That, as it was the Queens Prerogative to Call
‘Parliaments, to Appoint and Limit their Sittings, and to pro-
‘pose to them any Matters as the Subject of their Meeting,
‘which they should Consult about, not Exclusive of what
‘they should think fit to Debate themselves, Her Majesty had
‘Determined which Parliament should begin upon the Ar-
‘ticles, by Appointing this Parliament for that End, and had
‘particularly Recommended this Matter to them, and that
‘therefore they ought to go about it.

“That the Priority was a Dispute of no Consequence at all,
‘and that they had all the Liberty in the World to Pass or
‘not Pass, Approve or not Approve of the Treaty now, as
‘they should have then; That, if there was any Difference,
‘the Honour was done to *Scotland*, in putting the Treaty
‘first into their Hands, as the Principal Persons, who were
‘supposed to have Objections to make, and that they might

‘ be made intirely easy, in every Thing that was Material,
 ‘ to their Satisfaction.

“ Notwithstanding all this, they renewed the Debate, and
 ‘ brought it to a Motion in the Parliament, as appears by the
 ‘ Vote, in which they also added the former Suggestion of
 ‘ Consulting their Constituents; And some Members alledg-
 ‘ ed, they had expresse Directions from their Principals, and
 ‘ the Countries they Represented, Restraining, and positively
 ‘ Obliging them, not to Enter upon the Treaty.

“ This brought Things to a great Height, and some Mem-
 ‘ bers, *as was said*, began to Talk of Protesting, and Leaving
 ‘ the Parliament, but they had more Wisdom than that came
 ‘ to —; They indeed very earnestly press’d this Motion,
 ‘ which was in short to Obtain a Delay, and that made them
 ‘ fly from one Argument to another.

“ Together with their Arguments, and to Second their Pro-
 ‘ posal of Consulting Principals, they brought in Addresses
 ‘ from the several Places mentioned above, and vehemently
 ‘ urged, That it appeared by them, that it was the Sense of
 ‘ the People, that the whole Nation was against it, and that
 ‘ they ought not to Proceed without their Assent.

“ Here it was Noted, That the Address from *Mid-Lothian*
 ‘ was Signed by not above Twelve of the Gentlemen, or there-
 ‘ about, tho’ there were above Two Hundred Gentlemen in
 ‘ that County; And that therefore it seemed the Argument,
 ‘ of its being the Sense of the Nation, must be very ill Grounded.

“ At length they dropt the Debate, and obtained the pre-
 ‘ vious Question, *viz.* That the Parliament should immediately
 ‘ proceed to Reading the Articles.

“ But then a new Project was set on Foot; and it was an odd
 ‘ thing to see, that after a long Debate whether the Articles
 ‘ should be Read *at all* or no, it occasioned another Question,
 ‘ and no small Debate upon it, which End of them they should
 ‘ begin at.

“ When they had gotten over the Question as before,
 ‘ for Reading, they fell out which Article they should Read
 ‘ first; the Party which had at first opposed Reading them all,
 ‘ now struggled to begin in the middle of the Treaty, the Rea-
 ‘ son was, as they alledged, they were for Examining the
 ‘ Particulars before they Voted the General. The first Article con-
 ‘ tain’d, That from and after the first Day of *May*, the two
 ‘ Kingdoms should be United, &c. *This they would have de-*
 ‘ *layed*; and then followed the Conditions which they would
 ‘ have be agreed first of all.

“ Others alledged, that it would be needless to enter in-
 ‘ to the Particulars till it was agreed, whether they should be
 ‘ UNITED or No; and therefore it was necessary to Examine
 ‘ the first Article in its order, not only because it was the first,
 ‘ but because it was most rational to Determine, whether there

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‘ should

should be an Union or no, before they descended to the Particulars, because, if all the Articles were agreed to, yet if it should be so precarious as to state the Question afterwards, whether there should be a Union or no, it might at once render all their Labour Fruitless.

“Upon this Debate, they resolved, it was first necessary to get over the main Article, Whether there should be a Union or not, before they entred into the Merits of the Particulars, or Examined the Conditions; and they only Read the Article to finish the Debate, and prevent any more Difficulty.

MINUTE XIV.

Saturday 2. November 1706.

The first Article of Union was again Read, and thereupon a Motion was offered in thir Terms, That it be agreed to, in the first place, To proceed to take the first Article of the Union to Consideration, with this Provision, That if the other Articles of Union be not adjusted by the Parliament, then the Agreeing to, and Approving of the First, shall be of no Effect; And that immediately after the said first Article, the Parliament will proceed to an Act For security of the Doctrine, Discipline, Worship and Government of the Church, as now by Law Established within this Kingdom: And after some Debate thereon, there was a state of a Vote offered, Approve of the Motion, Yea or No.

Whereupon there was a Resolve offered in thir Terms, That before this House proceed to Vote any of the Articles of the Treaty, they will bear what Security the Commission of the Church is to offer for the Church Government, and that before any Incorporating Union be voted; And after some further Debate upon the said Motion and Resolve, a second State of a Vote was offered, That the Church Government be taken into Consideration before the Articles of Treaty, Yea or No.

And after some Debate, Which of the Two should be the State of the Vote, it was put to the Vote, Whether the First or Second should be the State of the Vote, and it carried the First; Thereafter it was put to the Vote, Approve of the Motion or Not, and it carried Approve.

Whereupon the first Article of Union was again Read, and after some Reasoning thereon, it being objected, That an Incorporating Union of the two Kingdoms, was contrair to, and inconsistent with the *the Claim of Right*; The *Claim of Right*, and the third Act of the first Parliament of Her Majesty Queen Anne, Entituled, *Act for approving the turning the Meeting of the Estates into a Parliament*, and the Letter of the Meeting of the Estates to King William the twenty fourth of April One thousand six hundred eighty nine were all Read.

And an Address by the Barons, Freeholders, Heretors and other Gentlemen in the Shire of *Forfar* Subscribers of the same, against allowing of an Incorporating Union with *England*, being given in, was also Read.

And after long Reasoning and Debate on the said first Article of Union, and Objection, it was of Consent agreed, That the same should be delayed till the next *Sederunt* of Parliament.

Adjourn'd till Monday next at Ten a Clock.

O B S E R V A T I O N XIV.

“The first Article was now Read, and all the Opposition hitherto made, had been over. But two plausible Things remain'd; one was, To Debate whether it should be so settled that if all the Articles were not Concluded, none of them which were Considered, should be of any Force; this was so plausible, no Body could withstand it.

“Then they Objected in the Name of the Church, on the Occasion brought before them formerly, *viz.* The Act of Security. Unhappy was the Condition at this time of the Church of *Scotland*, if what seem'd to appear, had been her real Case, *viz.* To have her greatest Enemies be her best Solicitors, as if she had been so desperate, that even those that formerly Assisted to pull her down, were the only seeming Advocates for her present Establishment.

“Or else surely Her Case was very happy, on the other hand, that Her Establishment was so visibly necessary at this time, that even Her apparent Enemies were careful to support Her.

“I shall enter no further into the Mystery of it here, the Parliament had Voted to consider the Address of the Commission, before any thing was Concluded, and whether that word, *Concluded*, was to signify before they Voted any Article, or before the whole Union was Concluded, was now Immaterial; and tho' it was expressly said in the Vote of *October 17*, That it should be before the Union was Concluded, yet it was Moved now, and the Parliament was so willing to do every thing for the Satisfaction of the Nation, that they Resolved to go upon it immediately after the passing the first Article.

“The Party that still Opposed, were for going on the Affair of the Church, before any of the Articles were Concluded on, alledging, That if the Security of the Church could not be agreed on, the Union could not be entered upon; but it was returned to that, That just on the contrary, it was necessary first to Vote the General, Whether there should be a Union or no in the Terms of the Treaty, which General was included in the first Article, and it was easie to be seen, that if that Article was Voted against, the Union was Rejected; and if the Union was Rejected, there was then no need for Discoursing on the Act of Security for the Church.

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“This was too strong a way of Reasoning to be Resisted, and therefore when it came to the Question, it pass, as per the Minute.

“That it be agreed to, in the first place, To proceed to take the first Article of Union to Consideration, with this Provision, That if the other Articles of Union be not adjusted by the Parliament, then the Agreeing to, and Approving of the First, shall be of no Effect; And that immediately after the said first Article, the Parliament will proceed to an Act for Security of the Doctrine, Discipline, Worship and Government of the Church, as now by Law Established within this Kingdom.

“And now the first Article came upon the Stage, and the first Brush it met with was, That it was against the Claim of Right, as per the Minute.

“This was a Surprising Blow indeed, and made the House immediately Call for the Claim of Right, but that which was Remarkable upon Reading the Claim of Right was, it became necessary to Read the Letter of the Convention at that time sent to King William, in which, the Estates then met, humbly desired His Majesty, to set on Foot an Union in the very Sense and Meaning of this Incorporation of the Kingdoms, as the only Happiness the Kingdom desired.

“We are most sensible of Your Majesties Kindness, and Fatherly Care to both Your Kingdoms, in promoting their Union, which we hope hath been Reserved to be Accomplished by You; That as both Kingdoms are United in one Head and Sovereign, so they may become one Body Politick, one Nation, to be Represented in one Parliament. And to testify our Readiness to Comply with Your Majesty in that Matter; We have Nominated Commissioners to Treat the Terms of an Entire and Perpetual Union betwixt the Two Kingdoms, with Reservation to us of our Church Government, as it shall be Established at the Time of the Union. These Commissioners do wait Your Majesties Approbation and Call, That they may Meet and Treat with the Commissioners to be Appointed for England, at what Time and Place Your Majesty shall Appoint. And if any Difficulty shall arise in the Treaty, We do, upon our Part, Refer the Determination thereof to Your Majesty. And we do Assure our selves, from Your Majesties Prudence and Goodness, of a Happy Conclusion to that Important Affair, so as the same may be Agreed to, and Ratified by Your Majesty in Your first Parliament.

“This indeed occasioned a long Debate and much Warmth on both sides, which held the House very late; And after Reading all the Papers, the Inconsistency of the Union with the Claim of Right was thorowly Examined, where it could not but be very remarkable to observe some Gentlemen giving a Sanction to the Claim of Right, who never before acknowledged

' knowleg'd it, owning it now as a Sacred Foundation, in or-
 ' der to oppose it to the Scheme of Union now drawn; which
 ' being of more Fatal Consequence to their Real Design, as
 ' well as Party, they were brought to the Necessity of Closing
 ' with the first to Confront the last; so Playing one against
 ' another, Recognizing the Revolution as the lesser Evil to
 ' Repulse the Union, which they saw plainly Aim'd at the
 ' Foundation, Struck at the Root, and must for ever Foreclose
 ' *Jacobitism* and *Prelacy*, the two Columns which supported
 ' their Cause —. The Reasonings here in the House began
 ' with much Calmness; Immediately after Reading the Ar-
 ' ticle, Mr. *Seton* of *Pitmedden* took the Opportunity to say,
 ' That, having had the Honour to be one of the Commissio-
 ' ners for the Treaty, he thought it his Duty to give some Rea-
 ' sons, which mov'd him to Approve that Article at *London*;
 ' That he was perswaded, there were several Members so Pre-
 ' judiced against all the Articles, that he could not hope from
 ' them a Favourable Audience. And that what he had to say
 ' to the present Subject of Debate, had been thought upon,
 ' when he Signed the Treaty; therefore he would presume to
 ' make Use of his Papers, hoping, tho' his Reasons could not
 ' convince any Member, yet they might serve to Vindicate his
 ' Conduct to Posterity. Then he proceeded, and the Second
 ' of *November* 1706, made the following Speech.

My Lord Chancellor,

" **T** His Honourable House has heard the several *Articles of the*
 ' *Treaty of Union* twice Read, has spent a considerable time
 ' in Discoursing to each of them, and after much Debate is
 ' come to Examine and Determine upon the First: Notwithstand-
 ' ing all the Arguments offered against it, I cannot find the least Mo-
 ' tive for Altering the Opinion I had at Signing this Article,
 ' having had the Honour to be one of the Commissioners Appointed
 ' by Her Majesty for that End; but that I may give all Satisfaction
 ' to every Member, I shall humbly offer in a plain manner my
 ' Thoughts in relation to it.

" *My Lord*, This Article is the Foundation of the whole Treaty,
 ' and the Approving or Rejecting of it must Determine Union or no
 ' Union betwixt both Kingdoms.

" How far the Approving this Article conduces to our Happiness,
 ' appears evidently, by considering the three different Ways propo-
 ' sed for Retriving the Languishing Condition of this Nation;
 ' which are, That we continue under the same Sovereign with
 ' *England*, with Limitations on his Prerogative as King of *Scot-*
 ' *land*; That the two Kingdoms be Incorporated into one, or
 ' that they be entirely separated.

" That the Union of Crowns with Limitations on the Successor is
 ' not sufficient to Rectifie the bad State of this Nation, appears from
 ' these Positions founded on Reason and Experience.

“Two Kingdoms subject to one Sovereign, having different Interests, the nearer these are one to another, the greater Jealousie and Emulation will be betwixt 'em.

“Every Monarch, having two or more Kingdoms, will be obliged to prefer the Counsel and Interest of the Stronger to that of the Weaker: And the greater Disparity of Power and Riches there is betwixt these Kingdoms, the greater Influence the more powerful Nation will have on the Sovereign. Notwithstanding these Positions, I shall suppose the Parliament of *Scotland* is Vested with the Power of making Peace and War, of Rewarding and Punishing Persons of all Ranks, of Levying Troops, and of the *Negative* it self.

“I cou'd show the Inconveniencies that must attend such a State of Government, in Disposal of Places and Managing Publick Affairs; I cou'd likewise show the Improbability of Attaining such Conditions, or keeping 'em if attained; but laying aside such Considerations, my humble Opinion is, That we cannot reap any Benefit from these Conditions of Government, without the Assistance of *England*: And the People thereof will never be convinced to promote the Interest of *Scotland*, till both Kingdoms are Incorporated into One: So that I conceive such a State of Limitations to be no better for *Scotland*, than if it were intirely separated from *England*, in which State there's little Appearance of procuring any Remedy to our present Circumstances, which appears from these uncontraverted Positions.

“The People and Government of *Scotland* must be Richer or Poorer, as they have Plenty or Scarcity of Money, the common Measure of Trade.

“No Money or Things of Value can be purchased in the Course of Commerce: but where there's a Force to protect it.

“This Nation is behind all other Nations of *Europe* for many years, with respect to the Effects of an extended Trade.

“This Nation being Poor, and without Force to protect it's Commerce, cannot reap great Advantages by it, till it partake of the Trade and Protection of some powerful Neighbour Nation, that can Communicate both these.

“To Illustrate this last Position, I shall give a short View of the State of Commerce we must needs be in, with respect to our Neighbour Nations, supposing an entire Separation from *England*.

“The ordinary Mean, whereby we can flourish in Wealth, is, That Ballance which arises from the Exchange of our Natural or Artificial Product with other Places: But we have no Valuable Branch of Export, which does not Interfere with the like Commodity, in some more powerful Neighbour Nation, who's Interest it is to Suppress or Discourage our Commodity, for Raising the Value of its own; so that there's no Demonstrable Security for the Vent and Encouragement of any Branch of our Export.

“ Can it be expected, That *Holland* will suffer us to Improve our Fishery, which is to them a Nursery for Seamen, a Livelyhood to many Families, and an immense Treasure to the Publick ?

“ If we Traffick with *England*; our Linnen-Cloth, Cattle, and Coals will be Discouraged, at least, after the same manner that we discourage Export from thence. If we Traffick with *Muscovy, Sweden, Denmark, Poland, Germany, France, Spain, Portugal* and *Italy*, the Sale of our Commodities will be of small Value in these Places; seeing the *Dutch* or *English*, by their Increase of Trade, are capable to serve them with most of the like Goods, cheaper and better than we.

“ Let us look to any other Part of the World, for Vent to our Product, and we'll find other Nations have prevented us.

“ If we attempt the *East-India-Trade*, that is already Enhanced by the *Dutch, English, French, Spaniards* or *Portuguese*, from whom we must expect Opposition, they themselves Opposing one another daily; and we of no Force to Debate the same, with the most Inconsiderable of them.

“ The Trade of *Africa* is, for the most part, of small Value; and every Province of *America* is claimed as Property, by some powerful *European* Nation.

“ If it be said, That *Scotland* may make Alliance with one of its Neighbour Nations for Protection; that Alliance must be with *Holland, England* or *France*: Other Countries being so Remote or Poor, that their Friendships can be of little Use to us.

“ With *Holland* we can have no Advantageous Alliance, because its chief Branch of Trade is the same with ours; with the *English*, we can expect no profitable Friendship, for they being our near Neighbours, will be Jealous of our Increase in Power; and from *France*, few Advantages can be reap'd, till the old Offensive and Defensive League be revived betwixt *France* and *Scotland*, which would give Umbrage to the *English*, and occasion a War betwixt them and us. And allowing the *Scots*, in such a Juncture, with the Assistance of *France*, to Conquer *England*; *Scotland*, by that Conquest, could not hope to better its present State; for 'tis more than probable, the Conquerour would make his Residence in *England*, as formerly the Northern People used to do in their Southern Expeditions.

“ From these Considerations I conceive, That this Nation, by an entire Separation from *England*, cannot extend it's Trade, so as to raise its Power in Proportion to other Trafficking Nations in *Europe*; but that hereby we may be in Danger of returning to that Gothick Constitution of Government, wherein our Forefathers were, which was frequently attended with Feuds, Murders, Depredations and Rebellions.

“ My Lord, I'm sorry, That, in place of Things, we Amuse ourselves with Words; for my part, I comprehend no durable Union betwixt *Scotland* and *England*, but that expressed in this Article

'ticle by *One Kingdom*, that is to say, One People, One Civil Government and One Interest.

" 'Tis true, the Words, *Federal Union*, are become very Fashionable, and may be handsomely fitted to delude unthinking People; But if any Member of this House will give himself the Trouble, to examine what Conditions or Articles are understood by these words, and reduce them into any kind of Federal Compacts, whereby distinct Nations have been United: I'll presume to say, These will be found Impracticable, or of very little Use to us.

" But to put that Matter in a clear Light, these *Queries* ought to be duly Examined, Whether a Federal Union be Practicable betwixt two Nations accustomed to a Monarchical Government? Whether there can be any sure Guaranty projected for the Observance of the Articles of a Federal Compact, stipulated betwixt two Nations; whereof the one is much Superior to the other in Riches, Numbers of People, and an extended Commerce? Whether the Advantages of a Federal Union do Ballance its Disadvantages? Whether the *English* will accept a Federal Union, supposing it to be for the true Interest of both Nations? Whether any Federal Compact betwixt *Scotland* and *England*, is sufficient to secure the Peace of this Island, or Fortify it against the Intrigues and Invasions of its Foreign Enemies? And whether *England* in Prudence, ought to Communicate its Trade and Protection to this Nation, till both Kingdoms are Incorporated in one?

" To clear this last *Querie*, I shall offer a Remark from History.

" Of two Independent and distinct Kingdoms United by a Federal Compact under one Sovereign, the Weaker to preserve its Interest, has some times separated from the Stronger, unless prevented by open Force, or secret Influence on its Government.

" *Spain* and *Portugal* were subject to the same Sovereign, *Philip II.* And notwithstanding the *Portuguese* got most Advantageous Conditions from *Spain*, they no sooner found a favourable Opportunity in the Reign of *Philip IV.* than they revolted from their Allegiance, and Elected the Duke of *Braganza* for their King.

" *Sweden* and *Denmark* were United by a Federal Compact under one Monarch, but the *Swedes* judging a Separation more for their Interest, broke off, and chose *Gustavus the 1.* for their King.

" My Lord, I should now consider an Incorporating Union, as it is expressed in this Article by *One Kingdom*; but that I may not take up the time of the House, I shall only give one Historical Remark with Relation to it.

" Two or more distinct Kingdoms or States, by incorporating into one Kingdom, have continued under the same Sovereign, enjoying equally the Protection of his Government, and every part of the Body Politick, tho never so far remov'd from the Seat of Government, has Flourished in Wealth in proportion to the Value of its Natural Product, or the Industry of its Inhabitants. To prove this Remark there are many Examples.

"*Spain* was formerly divided into several Kingdoms, ten where-
of are Incorporated into the one Kingdom of *Spain*.

"*France* was formerly divided into 12 States, which are Incorpo-
rated into the one Kingdom of *France*.

"*England* was formerly divided into seven Kingdoms, which are
Incorporated into the one Kingdom of *England*; *Scotland* it self
was formerly divided into two Kingdoms, which at present are
Incorporated into the one Kingdom of *Scotland*.

"I could give some Account of the particular Advantages we'll
obtain by an Incorporating Union with *England*, but there will
be occasions to Discourse of these, as the other Articles fall under
the Consideration of this Parliament. In general, I may assert,
That by this Union, we'll have Access to all the Advantages in
Commerce, the *English* enjoy; we'll be capable, by a good Go-
vernment, to improve our National Product, for the benefit of the
whole Island; and we'll have our Liberty, Property and Religion,
secured under the Protection of one Sovereign, and one Parliament
of *Great-Britain*.

"Now, *My Lord*, If Limitations on the Successor can be of
little or no Use to us; if an entire Separation from *England* brings
no Advantage to this Nation: and if all Federal Compacts, as we
are stated, have insuperable Difficulties, which in some measure I
have cleared, there is but one of two left to our Choise, to wit,
That both Kingdoms be United into one, or that we continue un-
der the same Sovereign with *England* as we have done these 100
years past. This last I conceive to be a very ill State, for by it (if
Experience be convincing) we cannot expect any of the Advantages
of an Incorporating Union; but on the contrair, Our Sovereignty
and Independency will be eclipsed; the number of our Nobility
will Encrease, Our Commons will be Oppressed, Our Parliaments
will be influenced by *England*, the Execution of our Laws will be
neglected; Our Peace will be interrupted by Factions for Places
and Pensions; Luxury together with Poverty (tho' strange) will
invade us; Numbers of *Scots* will withdraw themselves to Foreign
Countries; and all the other Effects of Bad Government must necessa-
rily attend us.

"Let us therefore, *My Lord*, after all these Considerations ap-
prove this Article: and when the whole Treaty shall be duly Exa-
mined and Ratified, I'm hopeful, this Parliament will return their
most Dutiful Acknowledgments to Her Majesty, for Her Royal En-
deavours in promoting a Lasting Union betwixt both Nations.

Next spoke the Lord *Beilhaven*, but without answering what
had been said by *M: Seton*, he made a long premeditate Speech,
the Nature of which will be best understood by Reading it at
length, which being so much talk'd of in the World, I have
also inserted here, tho' I shall not trouble the Reader with
many more Speeches in this whole History.

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My Lord Chancellor,

“WHEN I consider this Affair of an UNION betwixt the Two Nations, as it is express’d in the several *Articles* thereof, and now the Subject of our Deliberation at this time; I find my Mind crowded with variety of very Melancholy Thoughts, and I think it my Duty to disburden my self of some of them, by laying them before, and exposing them to the serious Consideration of this Honourable House.

“I think, I see a *Free and Independent Kingdom* delivering up That, which all the World hath been fighting for, since the days of *Nimrod*; yea, that for which most of all the Empires, Kingdoms, States, Principalities and Dukedoms of *Europe*, are at this very time engaged in the most Bloody and Cruel Wars that ever were, to wit, A Power to Manage their own Affairs by themselves, without the Assistance and Counsel of any other.

“I think, I see a *National Church*, founded upon a Rock, secured by a *Claim of Right*, hedged and fenced about by the strictest and pointedest Legal Sanction that Sovereignty could contrive, voluntarily descending into a Plain, upon an equal level with *Jews*, *Papists*, *Socinians*, *Arminians*, *Anabaptists*, and other *Sectaries*, &c.

“I think I see the *Noble and Honourable Peerage of Scotland*, whose Valiant Predecessors led Armies against their Enemies upon their own proper Charges and Expenses, now divested of their Followers and Vassalages, and put upon such an Equal Foot with their Vassals, that I think I see a petty *English* Excise-man receive more Homage and Respect, than what was paid formerly to their *quondam Maccallanmores*.

“I think I see the *present Peers of Scotland*, whose Noble Ancestors conquered Provinces, over-run Countries, reduc’d and subjected Towns and fortify’d Places, exacted Tribute through the greatest part of *England*, now walking in the Court of Requests like so many *English* Attornies, laying aside their Walking Swords when in Company with the *English* Peers, lest their Self-defence should be found Murder.

“I think I see the *Honourable Estate of Barons*, the bold Asserters of the Nation’s Rights and Liberties in the worst of Times, now setting a Watch upon their Lips and a Guard upon their Tongues, lest they be found guilty of *Scandalum Magnatum*.

“I think I see the *Royal State of Burrows* walking their desolate Streets, hanging down their Heads under Disappointments; wormed out of all the Branches of their old Trade, uncertain what hand to turn to, necessitate to become Prentices to their unkind Neighbours; and yet after all finding their Trade so fortified by Companies, and secured by Prescriptions, that they despair of any success therein.

“I think I see our *Learned Judges* laying aside their Practiques and Decisions, studying the Common Law of *England*, gravelled with Certioraries, *Nisi prius*’s, Writs of Error, Verdicts indovar,
* 1 Ejections

• *Ejectione firma*, Injunctions, Demurrs, &c. and frighted with Appeals and Avocations, because of the new Regulations and Rectifications they may meet with.

• “I think I see *the Valiant and Gallant Soldiery* either sent to learn the Plantation Trade Abroad, or at Home Petitioning, for a small Subsistence as the Reward of their honourable Exploits, while their old Cores are broken, the common Soldiers left to Beg, and the youngest *English Corps* kept standing.

• “I think I see *the Honest Industrious Tradesman* loaded with new Taxes, and Impositions, disappointed of the Equivalents, drinking Water in place of Ale, eating his fat-less Pottage, Petitioning for Encouragement to his Manufacturies, and Answered by counter Petitions:

• “In short, I think I see *the Laborious Plew-man*, with his Corns spoiling upon his Hands, for want of Sale, Cursing the day of his Birth, dreading the Expense of his Burial, and uncertain whether to Marry or do worse.

• “I think I see the Incureable Difficulties of the *Landedmen*, fettered under the Golden Chain of Equivalents, their pretty Daughters Petitioning for want of Husbands, and their Sons for want of Employments.

• “I think I see *our Mariners*, delivering up their Ships to their *Dutch Partners*; and what through Presses and Necessity, earning their Bread as Underlings in the Royal *English Navy*.

• “But above all, *My Lord*, I think I see *our Ancient Mother CALEDONIA*, like *Cesar* sitting in the midst of our Senate, Rufully looking round about her, Covering her self with her Royal Garment, attending the Fatal Blow, and breathing out her last with a *Et tu quoque mi fili*.

• “Are not these, *My Lord*, very afflicting Thoughts? And yet they are but the least part Suggested to me by these Dishonourable Articles; should not the Consideration of these things vivifie these *dry Bones* of ours? Should not the Memory of our Noble Predecessors *Valour and Constancie*, rouse up our drouping Spirits? Are our Noble Predecessors Souls got so far into the *English Cabbage-Stock and Colliflowers*, that we should shew the least Inclination that way? Are our Eyes so Blinded? Are our Ears so Deafened? Are our Hearts so Hardned? Are our Tongues so Faltered? Are our Hands so Fettered, that in this our day, I say, *My Lord*, That in this our day, that we should not mind the things, that concern the very Being and Well-being of our Ancient Kingdom, before the day be hid from our Eyes.

• “No, *My Lord*, GOD forbid, *Man's Extremity* is GOD's Opportunity: He is a present Help in time of need, and a Deliverer, and that right early. Some unforeseen Providence will fall out, that may cast the Ballance, some *Joseph* or other will say, *Why do ye strive together, since you are Brethren?* None can Destroy Scotland, save Scotland's self, hold your Hands from the Pen, you are secure. Some *Judah* or other will say, *Let not our hands be upon the*

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the Lad, he is our Brother. There will be a **JEHOVAH-JIREH** and *some Ram will be caught in the Thicket*, when the bloody Knife is at our Mothers Throat; Let us up then, *My Lord*, and let our Noble Patriots behave themselves like Men, and we know not how soon a Blessing may come.

"*My Lord*, I wish from my Heart, that this my Vision prove not as true, as my Reasons for it are probable; I design not at this time to enter into the merits of any one particular Article, I intend this Discourse, as an Introduction to what I may afterwards say upon the whole Debate, as it falls in before this Honourable House; and therefore, in the further Prosecution of what I have to say, I shall insist upon some few particulars, very necessary to be understood, before we enter unto the Detail of so Important a Matter.

I shall therefore in the *first place*, Endeavour to Encourage a free and full Deliberation, without Animosities and Heats; in the *next place*, I shall Endeavour to make an Enquiry into the Nature and Source of the Unnatural and Dangerous Divisions that are now on Foot within this Isle, with some Motives shewing, that it is our Interest to lay them aside, at this time. Then I shall Enquire into the Reasons which have induced the two Nations to enter into a Treaty of Union at this time, with some Considerations and Meditations, with Relation to the Behaviour of the Lords Commissioners of the two Kingdoms, in the Management of this Great Concern. And lastly, I shall propose a Method, by which we shall most distinctly, and without Confusion, go through the several Articles of this Treaty, without unnecessary Repetitions or Loss of Time. And all this with all Deference, and under the Correction of this Honourable House.

"*My Lord Chancellor*, The greatest Honour that was done unto a Roman, was to allow him the Glory of a Triumph; the greatest and most dishonourable Punishment was that of *Paricide*: He that was Guilty of *Paricide*, was beaten with Rods upon his naked Body, till the Blood gusht out of all the Veins of his Body; then he was sowed up in a Leathern Sack called a *Culeus*, with a Cock, a Viper, and an Ape, and thrown Headlong into the Sea.

"*My Lord*, *Patricide* is a greater Crime than *Paricide*, all the World over.

"In a Triumph, *My Lord*, when the Conqueror was Riding in his Triumphal Chariot, Crowned with Laurels, Adorned with Trophies, and Applauded with Huzza's, there was a *Monitor* appointed to stand behind him, to warn, Not to be High-minded, nor Puffed up with Overveening Thoughts of himself; and to his Chariot were tied a Whip and a Bell, to mind him, That, for all his Glory and Grandeur, he was Accountable to the People for his Administration, and would be Punished as other Men, if found Guilty.

"The greatest Honour amongst us, *My Lord*, is to Represent the Sovereign's Sacred Person in Parliament; and, in one particular,

it appears to be greater than that of a Triumph, because the whole Legislative Power seems to be wholly Intrusted with him: If he give the Royal Assent to an Act of the Estates, it becomes a Law Obligatory upon the Subject, tho' contrary or without any Instructions from the Sovereign: If he refuse the Royal Assent to a Vote in Parliament, it cannot be a Law, tho' he has the Sovereign's particular and positive Instructions for it.

" His Grace the Duke of *Queensberry*, who now Represents Her Majesty in this Session of Parliament, hath had the Honour of that Great Trust, as often, if not more than any *Scots* Man ever had; He hath been the Favorite of two Successive Sovereigns; and I cannot but commend his Constancy and Perseverance, that, notwithstanding his former Difficulties and unsuccessful Attempts, and maugre some other Specialties not yet determined, that his Grace has yet had the Resolution, to undertake the most unpopular Measures last: If his Grace succeed in this Affair of an Union, and that it prove for the Happiness and Welfare of the Nation, then he justly Merits to have a Statue of Gold erected for himself: but if it shall tend to the Intire Destruction & Abolition of our Nation; and that we the Nation's Trustees shall go into it; then I must say, That a Whip and a Bell, a Cock, a Viper, and an Ape, are but too small Punishments for any such bold unnatural Undertaking and Complaisance.

" That I may path a way, *My Lord*, to a full, calm and free Reasoning upon this Affair, which is of the last Consequence unto this Nation; I shall mind this Honourable House, that we are the Successors of our Noble Predecessors who founded our Monarchy, framed our Laws, amended, altered and corrected them from time to time, as the Affairs and Circumstances of the Nation did require, without the Assistance or Advice of any Foreign Power or Potentate, and who, during the time of 2000 Years, have handed them down to us a free Independent Nation, with the Hazard of their Lives and Fortunes; Shall not we then argue for that, which our Progenitors have purchased for us at so dear a Rate, and with so much Immortal Honour and Glory? GOD forbid. Shall the Hazard of a Father unbind the Ligaments of a Dumb Son's Tongue; and shall we hold our Peace, when our *Patria* is in Danger? I speak this, *My Lord*, That I may encourage every Individual Member of this House, to speak their Mind freely. There are many Wise and Prudent Men amongst us, who think it not worth their while to open their Mouths; there are others, who can speak very well, and to good Purpose, who shelter themselves under the shameful Cloak of Silence, from a Fear of the Frowns of Great Men and Parties. I have observed, *My Lord*, by my Experience, the greatest Number of Speakers in the most Trivial Affairs; and it will always prove so, while we come not to the right Understanding of our Oath *de fidei*, whereby we are bound not only to give our Vote, but our Faithful Advice in Parliament, as we should Answer to GOD; and in our

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• Ancient Laws, the Representatives of the Honourable Barons and
 • the Royal Burrows are termed Spokesmen: It lyes upon your
 • Lordships therefore, particularly to take notice of such, whose
 • Modesty makes them Bashful to Speak. Therefore I shall leave it
 • upon you, and conclude this Point, with a very Memorable Say-
 • ing, of an Honest private Gentleman, to a great *Queen*, upon
 • Occasion of a State Project, contrived by an able Statesman, and
 • the Favorite to a great *King*, against a Peaceable Obedient
 • People, because of the Diversity of their Laws and Constitutions.
 • *If at this time thou hold thy Peace, Salvation shall come to the People
 • from another place, but thou and thy House shall perish.* I leave the
 • Application to each particular Member of this House.

• *My Lord*, I come now to consider our *Divisions*. We are under
 • the Happy Reign (Blessed be GOD) of the *Best of Queens*, Who
 • has no Evil Design against the meanest of Her subjects, Who
 • Loves all Her People, and is equally Beloved by them again;
 • and yet, that, under the Happy Influence of our most Excellent
 • *Queen*, there should be such Divisions and Factions, more dange-
 • rous and threatening to Her Dominions, than if we were under an
 • Arbitrary Government, is most strange and unaccountable. Un-
 • der an Arbitrary Prince, all are willing to Serve, because all are
 • under a Necessity to Obey, whether they will or not. He chooses
 • therefore whom he will, without respect to either Parties or Facci-
 • ons; and if he think fit to take the Advices of his Councils or
 • Parliaments, every Man speaks his Mind freely, and the Prince re-
 • ceives the faithful Advice of his People, without the Mixture of
 • Self-designs: If he prove a Good Prince, the Government is
 • easy; if Bad, either Death or a Revolution brings a Deliverance.
 • Whereas here, *My Lord*, there appears no End of our Misery, if
 • not prevented in time; Factions are now become Independent;
 • and have got Footing in Councils, in Parliaments, in Treaties, in
 • Armies, in Incorporations, in Families, among Kindred, yea Man
 • and Wife are not free from their Political Jarrs.

• It remains therefore, *My Lord*, that I enquire into the Nature
 • of these things, and since the Names give us not the Right Idea
 • of the thing, I am afraid I will have Difficulty to make my self
 • well understood.

• The Names generally used to denote the Factions, are *Whig*
 • and *Torie*, as obscure as that of the *Guelfs* and *Gibelins*: Yea,
 • *My Lord*, they have different Significations, as they are applied
 • to Factions in each Kingdom, a *Whig* in *England* is a Heterogene-
 • ous Creature; in *Scotland* he is all of a piece; a *Tory* in *England* is
 • all of a piece and a *Statesman*, in *Scotland* he is quite other-
 • ways, an Anti-courteour and Anti-statesman.

• A *Whig* in *England*, appears to be somewhat like *Nebuchadne-
 • zar's* Image of different Mettals, different Classes, different Prin-
 • ciples and different Designs; yet take them all together, they
 • are like a piece of fine mixed Droggat of different Threads, some
 • Finer, some Courser, which after all make a comely Appearance,

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‘ and an agreeable Suit. A *Tory* is like a piece of Loyal-made *English*
‘ Cloath, the true Staple of the Nation, all of a Threed: yet if we
‘ look narrowly into it, we shall perceive Diversity of Colours,
‘ which, according to the Various Situations and Positions, makes
‘ Various Appearances; sometimes *Tory* is like the Moon in its Full,
‘ as appeared in the Affair of the *Bill of the Occasional Conformity*;
‘ upon other occasions it appears to be under Cloud, and as if it
‘ were Eclipsed by a greater Body, as it did in the Design of the
‘ Calling over the Illustrious Princess *Sophia*. However, by this we
‘ may see their designs are to outshoot *Whig* in his own Bow.

‘ *Whig* in *Scotland* is a true blew *Presbyterian*, who, without Con-
‘ sidering Time or Power, will venture their *All for the Kirk*: but
‘ something less for the State. The greatest Difficulty is, how to
‘ describe a *Scots Tory*: Of old, when I knew them first, *Tory* was
‘ an Honest Hearted Comradish Fellow, who, provided he were
‘ Maintain’d and Protected in his Benefices, Titles and Dignities by
‘ the State, he was the less anxious who had the Government and
‘ Management of the Church: but now, what he is since *Jure-*
‘ *Divinity* came in Fashion; and that Christianity, and by Conse-
‘ quence, Salvation, comes to depend upon Episcopal Ordination, I
‘ profess I know not what to make of him; only this I must say
‘ for him, That he endeavours to do, by Opposition, that, which
‘ his Brother in *England* endeavours, by a more Prudent and less
‘ Scrupulous Method.

‘ Now, *My Lord*, from these Divisions there has got up a kind
‘ of *Aristocracy*, something like the Famous *Triumvirate* at *Rome*,
‘ they are a kind of Undertakers and Pragmatick Statesmen, who,
‘ finding their Power and Strength great, and answerable to their
‘ Designs, will make Bargains with our Gracious Sovereign, they
‘ will serve Her faithfully, but upon their own Terms: they must
‘ have their own Instruments, their own Measures, this Man must be
‘ turned out, and that Man put in, and then they’ll make Her the
‘ most Glorious *Queen* in *Europe*.

‘ Where will this end, *My Lord*? Is not Her Majesty in Danger
‘ by such a Method? Is not the Monarchy in Danger? Is not
‘ the Nation’s Peace and Tranquillity in Danger? Will a Change
‘ of Parties make the Nation more Happy? No, *My Lord*, the
‘ Seed is sown, that is like to afford us a perpetual Increase; it’s
‘ not an Annual Herb, it takes deep Root, it Seeds and Breeds;
‘ and, if not timeously prevented by Her Majesty’s Royal Endea-
‘ vours, will split the whole Island in two.

‘ *My Lord*, I think, considering our present Circumstances at
‘ this time, the Almighty GOD has reserved this great Work for
‘ us: We may Bruise this *Hydra* of Division, and Crush this *Cocka-*
‘ *trice’s* Egg; our Neighbours in *England* are not yet fitted for any
‘ such thing, they are not under the Afflicting Hand of Providence,
‘ as we are; their Circumstances are Great and Glorious, their Treaties
‘ are prudently managed both at Home and Abroad, their Generals
‘ Brave and Valorous, their Armies Successful and Victorious, their

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Trophies

'Trophies and Lawrels Memorable and Surprising; Their Enemies
 'Subdued and Routed, their Strong Holds Besieged and Taken,
 'Sieges Relieved, Marshals Killed and Taken Prisoners, Provinces
 'and Kingdoms are the Results of their Victories; the Royal Navy
 'is the Terror of *Europe*, their Trade and Commerce Extended
 'through the Universe, Incircling the whole Habitable World,
 'and Rendering their own Capital City the *Emporium* for the whole
 'Inhabitants of the Earth; and which is yet more than all these
 'things, the Subjects freely bestowing their Treasury upon their So-
 'vereign; and above all, these vast Riches, the Sinews of War,
 'and without which all the Glorious Success had proven abortive;
 'these Treasures are managed with such Faithfulness and Nicety,
 'that they Answer seasonably all their Demands, tho at never so
 'great a distance. Upon these Considerations, *My Lord*, how hard
 'and difficult a thing will it prove, to persuade our Neighbours to
 'a self-denial Bill.

"It's quite otherways with us, *My Lord*, we are an Obscure poor
 'People, tho' formerly of better account; removed to a remote cor-
 'ner of the World, without Name and without Alliances, our Posts
 'mean and precarious; so that I profess, I don't think any one Post
 'of the Kingdom worth the Briguing after, save that of being Com-
 'missioner to a long Session of a Factious *Scots* Parliament, with an
 'antedated Commission, and that yet renders the rest of the Ministers
 'more Miserable: What hinders us then, *My Lord*, to lay aside our
 'Divisions to unite Cordially and heartily together in our present
 'Circumstances, when our *All is at the Stake*; *Hannibal*, *My Lord*,
 'is at our Gates, *Hannibal* is come within our Gates, *Hannibal* is
 'come the length of this Table, he is at the Foot of this Throne,
 'he will demolish this Throne, if we take not Notice he'll seize upon
 'these *Regalia*; he'll take them as our *spolia opima*, and whip us out
 'of this House never to return again.

"For the Love of GOD then, *My Lord*, for the Safety and Well-
 'fare of our Ancient Kingdom; whose sad Circumstances I hope we
 'shall yet Convert unto Prosperity and Happiness! We want no
 'Means, if we Unite, GOD blesteth the Peace-makers, we want nei-
 'ther Men nor Sufficiency of all manner of things necessary, to
 'make a Nation happy: all depends upon Management, *Concordia*
 '*res parvae crescunt*. I fear not these Articles, tho they were ten
 'times worse than they are, if we once Cordially forgive one
 'another, and that according to our Proverb, *bygones be bygones and*
 '*fair play to come*.) For my part in the sight of GOD and in the
 'presence of this Honourable House I heartily forgive every Man,
 'and begs that they may do the same to me, and I do most hum-
 'bly propose, that his Grace *My Lord Commissioner* may appoint an
 '*Agape*, may order a Love-Feast for this Honourable House, that
 'we may lay aside all self designs, and after our Fasts and Humilia-
 'tions may have a day of Rejoicing and Thankfulness, may eat our
 'Meat with Gladness, and our Bread with a Merry Heart; then shall
 'we sit each Man under his own Fig-tree, and the Voice of the Turtle

shall be heard in our Land, a Bird famous for Constancy and Fidelity.

"My Lord, I shall make a Pause here and stop going on further in my Discourse till I see further, if his Grace my Lord Commissioner receive any Humble Proposals for removing Misunderstandings among us, and putting an end to our Fatal Divisions, upon Honour I have no other design, and I am Content to begg the favour upon my bended knees.

No Answer.

*"My Lord Chancellor, I am sorry, that I must pursue the Threed of my Sad and Melancholy Story: what remains, I am afraid, prove as afflicting as what I have said; I shall therefore Consider the Motives, which have ingaged the two Nations to enter upon a Treaty of Union at this time: in general, My Lord, I think both of them had in their View to better themselves by the Treaty; but before I enter upon the Particular Motives of each Nation, I must inform this Honourable House, that since I can Remember, the two Nations have altered their Sentiments upon that Affair, even almost to Downright Contradiction, they have changed Headbands, as we say, for *England* till of late never thought it worth their pains of Treating with us; the good Bargain they made at the Beginning, they resolve to keep, and that which we call an Incorporating Union was not so much as in their thoughts. The first Notice they seem'd to take of us, was in our Affair of *Caledonia*, when they had most effectually broke off that design in a manner very well known to the World, and unnecessary to be repeated here, they kept themselves quiet during the time of our Complaints upon that Head. In which time our Sovereign, to satisfy the Nation and allay their Heats, did condescend to give us some good Laws, and amongst others that of Personal Liberties and of Peace and War; but *England* having declared their Succession and extended their Intail without ever taking Notice of us; our Gracious Sovereign QUEEN ANNE was Graciously pleased to give the Royal Assent to our *Act of Security*, and to give us a hedge to all our Sacred and Civil Interests, by Declaring it High Treason to endeavour the Alteration of them, as they were then Established. Thereupon did follow the Threatning and Minatory Laws against us by the Parliament of *England* and the unjust and unequal Character of what Her Majesty had so Graciously Condescended to in our Favours. Now My Lord whether the desire they had to have us ingaged in the same Succession with them; Or whether that they found us like a free and independent People breathing after more Liberty than what formerly was lookt after; Or whether they were afraid of our *Act of Security* in case of Her Majesties Decease: which of all these Motives has induced them to a Treaty I leave it to themselves, this I must say only, they have made a good Bargain this time also.*

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“For the particular Motives that induced us, I think, they are Obvious to be known; we found by sad Experience, that every Man hath advanced in Power and Riches, as they have done in Trade, and at the same time considering that no where through the World, Slaves are found to be Rich, though they should be adorned with Chains of Gold, we thereupon changed our Notion of an Incorporating Union to that of a Federal one; and being resolved to take this Opportunity to make Demands upon them, before we enter into the Succession, we were content to Impower Her Majesty to Authorise and Appoint Commissioners to Treat with the Commissioners of *England*, with as ample Powers as the Lords Commissioners from *England* had from their Constituents, that we might not appear to have less Confidence in Her Majesty, nor more narrow hearted in our Act than our Neighbours of *England*: and thereupon last Parliament, after Her Majesty's Gracious Letter was Read, Desiring us to declare the Succession in the first place, and afterwards to appoint Commissioners to Treat; we found it necessary to renew our former *Resolve*, which I shall Read to this Honourable House.

*Resolve presented by the Duke of Hamilton
last Session of Parliament.*

“That this Parliament will not proceed to the Nomination of a Successor, till we have had a previous Treaty with *England*, in Relation to our Commerce and other Concerns with that Nation. And further, it is Resolved, That this Parliament will proceed to make such Limitations and Conditions of Government, for the Rectification of our Constitution, as may secure the Liberty, Religion and Independency of this Kingdom, before they proceed to the said Nomination:

“Now, My Lord, the last Session of Parliament having, before they would enter upon any Treaty with *England*, by a Vote of the House, past both an Act for Limitations, and an Act for Rectification of our Constitution. What mortal Man has reason to doubt, the Design of this Treaty was only Federal?”

“My Lord Chancellor, It remains now, that we consider the Behaviour of the Lords Commissioners at the opening of this Treaty. And before I enter upon that, allow me to make this Meditation, that if our Posterity, after we are all dead and gone, shall find themselves under an ill made Bargain, and shall have a recourse unto our Records, and see who have been the Managers of that Treaty, by which they have suffered so much; when they read the Names, they will certainly conclude and say, Ah! our Nation has been reduced to the last Extremity, at the time of this Treaty; all our great Chieftains, all our great Peers and considerable Men, who used formerly to defend the Rights and Liber-

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ties of the Nation, have been all Killed and Dead in the Bed of Honour, before ever the Nation was necessitate to Condescend to such Mean and Contemptible Terms; Where are the Names of the chief Men, of the Noble Families of *Stewarts, Hamiltons, Grahams, Campbells, Gordons, Johnstons, Homes, Murrays, Kers, &c.* Where are the two great Officers of the Crown, the *Constable* and the *Marischal of Scotland*? They have certainly all been extinguished, and now we are Slaves for ever.

“Whereas the *English* Records will make their Posterity, Reverence the Memory of the Honourable Names who have brought under, their Fierce, Warlike and Troublesome Neighbours, who had Struggled so long for Independency, shed the best Blood of their Nation, and reduced a considerable Part of their Country to become Waste and Desolate.

“I am Informed, *My Lord*, That our Commissioners did indeed frankly tell the Lords Commissioners for *England*, That the Inclination of the People of *Scotland* were much altered of late, in relation to an Incorporating Union, and that therefore since the Entail was to end with Her Majesty's Life, whom GOD long preserve, it was proper to begin the Treaty upon the Foot of the Treaty the 1604 year of GOD, the time when we came first under one Sovereign: but this the *English* Commissioners would not agree to, and our Commissioners, that they might not seem obstinate, were willing to Treat and Conclude in the Terms laid before this Honourable House, and subjected to their Determination.

“If the Lords Commissioners for *England* had been as Civil and Complaisant, they should certainly have finished a Federal Treaty likewise, that both Nations might have the Choice, which of them to have gone into as they thought fit; but they would hear of nothing but of an intire and compleat Union, a Name which comprehends an Union, either by Incorporation, Surrender or Conquest, whereas our Commissioners thought of nothing but a fair equal Incorporating Union; whether this be so or no, I leave it to every Man's Judgment; but as for my self, I must beg liberty to think it no such thing. For I take an Incorporating Union to be, where there is a change both in the material and formal Points of Government, as if two Pieces of Mettal were melted down into one Mass, it can neither be said to retain its former Form or Substance, as it did before the mixture. But now when I consider this Treaty, as it hath been Explained and Spoke to before us these three Weeks by past, I see the *English* Constitution remaining firm, the same two Houses of Parliament, the same Taxes, the same Customs, the same Excises, the same Trade in Companies, the same Municipal Laws and Courts of Judicature, and all ours either subject to Regulations, or Annihilations: only we have the Honour to pay their old Debts, and to have some few Persons present for Witnesses to the Validity of the Deed, when they are pleased to contract more.

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" Good GOD! What is this an intire Surrender ?

" *My Lord*, I find my Heart so full of Grief and Indignation, That I must beg Pardon, not to finish the last part of my Discourse, that I may drop a Tear as the Prelude to so sad a Story.

After having sit down, and some Discourses by other Members interveening, he continued his Discourse thus,

" *My Lord Chancellor*, What I am now to say, relates to the Method of Proceeding in this Weighty Affair: I hear it proposed by a Noble Member of the other side, that we should proceed in the same Order, as the Lords Commissioners Treaters did. In my humble Opinion, *My Lord*, It is neither the natural Method, nor can it be done without great Confusion and Repetition. To say, You'll agree to the Union of the two Kingdoms, before you agree in the Terms upon which they are to be United, seems like *driving the Plough before the Oxen*: The Articles, which narrate the Conditions, seem to be the Premises, upon which the Conclusion is inferred; and, according as they are found good or bad, the Success will follow. When a Man is Married to a Fortune in *England*, as they call it, I suppose he is satisfied with the thing before he determines himself to Marry; and the Proposal I have heard of agreeing to the first Article with a *Proviso*, That, if the rest of the Articles shall be found Satisfactory, and no otherwise, is of a Piece with the rest, and looks like Beating the Air, and no ways Consistent with fair and square Dealings. Besides, *My Lord*, if we were to go upon the first Article, are not all the rest of the Articles, besides many others not contained in the Articles, valid Arguments either, *Pro* or *Con*, against Concluding, or not Concluding the first Article? And no Vote in this House, can hinder a Man, from making use of what Arguments he thinks fit. Moreover, the Searching the Records, and the Revising the *Statute Books*, Comparing the *Books of Rates, Customs, Excise, Taxes*, of both Nations, with one another, must all be previously considered, ere we determine our selves in one single Article; Add to this, That the Prohibitory Clause, with Relation to the Trade of both Nations, must be Adjusted, lest, like *Esop's Dog*, we lose the Old, in Grasping at the New; the State of the *English* Companies must also be Exposed, how far we shall have Liberty into them, and what Advantage we may propose to our selves, by Trading to these Places, where they are secured; and above all, *My Lord*, the Security of our National Church, and of all that's dear unto us, must be previously Established to us, if practicable, before we Conclude the first Article. Therefore, *My Lord*, tho my particular Opinion be, tho we had a *Cart Blanch* from *England*; yet the Delivery up of our Sovereignty, gives back with one Hand, what we receive with the other, and that there can be no Security, without the Guarrantee of a Distinct Independence betwixt the Parties Treating: Yet, *My Lord*, for further Sa-

‘tisfaction to this Honourable House, That every Member may
 ‘fully satisfy himself, I humbly propose, That, passing by the first
 ‘three Articles, which appear to be much of a Piece, we begin at
 ‘the fourth Article of the Treaty, and if I be seconded in this, I
 ‘desire it may be put to the Question.

“ I shall make no Remarks upon this last and famous Speech,
 ‘the Noble Person that spoke it, however he happened to
 ‘mistake in some things, was a Person of extraordinary Parts
 ‘and Capacity; And as he was very warm against the Uni-
 ‘on, it made that Opposition the more considerable.

“ This Speech, the Reader may see, was pointed directly
 ‘against the Union, and in the first part of it argues against
 ‘the Whole, in the last against the Parts —; but concludes
 ‘to move against the immediate Proceedings.

“ The first Speech was from a Person no less capable in the
 ‘Matter of the Treaty, and that had been a Commissioner in
 ‘the Treaty at *London*; The Speeches are directly opposite,
 ‘and are left thus upon Record to argue against one another.

“ The time had been taken up with their length, and the
 ‘House, as well as the Nation, was, at this time, in an Un-
 ‘usual Ferment, so not many Replies were made. Mr. *Seton*,
 ‘who made the first Speech, stood up to Answer the Lord
 ‘*Beilhaven*, but, as he had already spoken, the Orders of the
 ‘House, viz. *That the same Member could not speak twice in the*
 ‘*same Cause*, were urged against his speaking, and the Earl of
 ‘*Ma——mont* standing up to speak at the same time, the
 ‘Lord Chancellor gave place to him; who indeed made a
 ‘very short Return to so long a Speech, and which Answer
 ‘occasioned some Laughter in the House: The Earl of
 ‘*Ma——monts* Speech was to this Purpose, viz. *He had heard*
 ‘*a long Speech and a very terrible one, but he was of Opinion, it*
 ‘*required a short Answer*, which he gave in these Words, *Behold*
 ‘*he Dream’d, but, lo! when he awoke, he found it was a Dream;*
 ‘This Answer, some said, was as Satisfactory to the Members,
 ‘who understood the Design of that Speech, as if it had been
 ‘Answered Vision by Vision.

“ After these two Speeches, several Members spoke *Pro* and
 ‘*Con*; But the Debate, in Close of the Day, turned so Warm,
 ‘That, at the Desire of the House, it was Adjourned to the
 ‘next Sederunt.

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M I N U T E

MINUTE XV.

Monday 4. November 1706.

Prayers Said,
Rolls Called,

Then the following Addressees were presented, viz. Address of Barons, Freeholders and others within the Shire of *Stirling*, Subscribers of the same; Address of Barons, Freeholders and others within the Shire of *Dumbarton*, Subscribers of the same; Address of the Magistrates, Town-Council, Deacons of Crafts and Burgessees within the Burgh of *Linlithgow*, Subscribers of the same; Address of Heretors and others, Inhabitants of the Town and Paroch of *Dunkeld alias Caledonia*, Subscribers of the same; and an Address of the Town and Paroch of *Dyffers*, Subscribers of the same, all against an Incorporating Union with *England*, and were Read.

Thereafter the First Article of Union was again Read, as also the Motion mentioned in the last Minute relating thereto, viz. That it be agreed to, in the first place, to proceed to take the First Article of the Union to Consideration, with this Provision, That if the other Articles of Union be not Adjusted by the Parliament, then the Agreeing to and Approving of the First shall be of no Effect, and that immediately after the said First Article, The Parliament will proceed to an Act for Security of the Doctrine, Discipline, Worship and Government of the Church, as now by Law Established within this Kingdom; And after some further Debate upon the said Article, a Resolve was offered in thir Terms, viz. *Whereas it evidently appears since the Printing, Publishing and Considering of the Articles of Treaty, now before this House; This Nation seems generally averse to this Incorporating Union in the Terms now before us, as Subversive of the Sovereignty, Fundamental Constitution and Claim of Right of this Kingdom, and as threatening Ruine to this Church as by Law Established.*

And since it is plain, That if an Union were Agreed to in these Terms by this Parliament, and Accepted of by the Parliament of England, it would in no sort Answer the Peaceable and Friendly Ends proposed by an Union; But would on the contrair Create such Dismal Distractions and Animosities amongst our selves, and such Jealousies and Mistakes betwixt us and our Neighbours, as would involve these Nations into Fatal Breaches and Confusions.

Therefore, Resolved, That we are willing to enter into such an Union with our Neighbours of England, as shall Unite us intirely, and after the most strict manner, in all their and our Interests of Succession, Wars, Alliances and Trade, Reserving to Us the Sovereignty and Independency of Our Crown and Monarchy, and Immunities of the Kingdom, and the Constitution and Frame of the Government both of Church and State, as they stand now Established by our Fundamental Constitu-

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tion, by our Claim of Right, and by the Laws following thereupon; Or, Resolved, That we will proceed to settle the same Succession with England, upon such Conditions and Regulations of Government within our selves, as shall effectually secure the Sovereignty and Independency of this Crown and Kingdom, and the Indissolvable Society of the same, with the Fundamental Rights and Constitutions of the Government both of Church and State, as the same stands Established by the Claim of Right, and other Laws and Statutes of this Kingdom.

Which being Read, and after Debate thereon, the Vote was stated, Approve of the First Article of Union in the Terms of the Motion, *Yea or Not.*

But before Voting, the Duke of Athole gave in the following Protest, viz. *That he for himself and all others, who shall Adhere, Protested, That an Incorporating Union of the Crown and Kingdom of Scotland, with the Crown and Kingdom of England, and, that both Nations should be Represented by one and the same Parliament, as contained in the Articles of the Treaty of Union, Is contrair to the Honour, Interest, Fundamental Laws and Constitution of this Kingdom, the Birth-right of the Peers, the Rights and Privileges of the Barons, & Burrows, and is contrair to the Claim of Right, Property and Liberty of the Subjects, and Third Act of Her Majesties Parliament One Thousand Seven Hundred and Three, by which it is Declared High Treason, in any of the Subjects of this Kingdom, to Quarrel, or Endeavour by Writing, Malicious and Advised Speaking, or other open Act or Deed, To Alter or Innovat the Claim of Right, or any Article thereof; and Reserving Liberty to him, and his Adherents, to Renew their Protestation against further Proceedings in the said Matter, and to Adjoin their Reasons for the same, and desired this his Protestation be Marked in the Records of Parliament.* Which being Read, The said Duke of Athole took Instruments thereon, and the Duke of Hamilton, Marquess of Annandale, Earl of Errol, Earl Marischal, Earl of Wigtoun, Earl of Strathmore, Earl of Selkirk, Earl of Kincardin, Viscount of Stormount, Viscount of Kilsyth, the Lord Semple, the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil and the Lord Kinnaird, George Lockhart of Carnwath, Sir James Foulis of Collingtoun, Andrew Fletcher of Saltoun, Sir Robert Sinclair of Longformacus, Sir Patrick Home of Rentoun, John Sinclair younger of Stevenson, John Sharp of Hoddum, Mr. Alexander Ferguson of Isle, John Brisbain of Bishoptoun, Mr. William Cochran of Kilmaronock, Sir Humphrey Colquhoun of Luss, John Grahame of Killairn, James Grahame of Bucklyvie, Thomas Sharp of Houstoun, Sir Patrick Murray of Auchtertyre, John Murray of Strowan, John More of Stonywood, David Beaton of Balfoure, Mr. Thomas Hope of Rankeilor, Mr. Patrick Lyon of Auchterhouse, Mr. James Carnagie of Phinhaven, David Grahame younger of Fintrie, James Ogilvie younger of Boyn, Mr. George Mackenzie of Inchcoulter, Alexander Robertson, Walter Stuart, Alexander Watson, Alexander Edgar, John Black, James Oswald, Robert Johnstoun, Alexander Duff, Francis Molison, Walter Scot, George Smith, Robert Scot, Robert Kellie, John Hutchison,

son, Mr. William Sutherland, Archibald Shiels, Mr. John Lyon, George Spence, Mr. William Johnstoun, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer adhered thereto.

Then the Vote was put, Approve of the said First Article of Union in the Terms of the Motion, *Yea or Not*, and it carried *Approve.*

Moved, That the List of the hail Members of Parliament, as they Voted *Pro* or *Con*, be printed, and it was agreed to.

Thereafter an Overture for an Act, *For Security of the true Protestant Religion, and Government of the Church, as by Law Established within this Kingdom*, was Read, and Ordered to be Printed.

Adjourned till Wednesday next at Ten a Clock.

OBSERVATION XV.

“ It is very remarkable, That the Addreses now began to
 ‘ Throng upon the House, and we find them at the beginning
 ‘ of every Vote; The Debates of this Day visibly discovered
 ‘ the Reason and Design of procuring these Addreses, *viz.*
 ‘ That they might form an Argument from the general Aver-
 ‘ sions of the Nation, and from thence, & the bringing the Soul-
 ‘ diers into the City, it was called a Cramming the Union
 ‘ down their Throats.

“ At the same time it was visible, there were such Methods
 ‘ made use of to procure Addreses, such want of Hands, such
 ‘ kinds of People who signed, such a Paucity of Gentry, where
 ‘ the Counties were full of Gentlemen, and such Varieties of
 ‘ Circumstances concurring, to make it appear, that it was the
 ‘ labour’d performance of a Party, that, *it was thought*, they
 ‘ met with the less regard.

“ There were indeed in several places Addreses prepared
 ‘ from the Gentry of the Country for the Encouragement of
 ‘ the Treaty, but it was concluded to be needless, since that
 ‘ would have been a kind of telling Noses without Doors, and
 ‘ the Party would have been pleased, to have had it past for
 ‘ a sort of Polling the Nation, in which, they having before
 ‘ dissatisfied and allarm’d the common People, they had the
 ‘ most Hopes of Success —; This therefore was laid aside,
 ‘ as a Step that would be of no use, and would put the Uni-
 ‘ on upon a Tryal altogether inconsistent with the Constitution,
 ‘ and, as it were, debate it *a-la-Mob.*

“ And therefore none of the Addreses on the other side
 ‘ were presented, tho I have the Originals of some by me,
 ‘ which were actually sign’d by the Country Gentlemen, and
 ‘ which were highly Expressive of their Assent to the Treaty,
 ‘ and of their Reasons for it, some of which were particularly
 ‘ the Danger of Popery, and of Introducing the old Tyranny
 ‘ in the Prince of *Wales.*

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“ Nor can it but be reasonably supposed, That had the
 ‘ Noblemen and Gentlemen of *Scotland*, as well in the Parli-
 ‘ ament as without, who were Hearty in the Business of the
 ‘ Union, gone Home, and raised their Tenants, Vassals, and
 ‘ Dependencies, to have appeared for the Union, either in the
 ‘ Addresses, or in the Field, they would, taking it at first, as
 ‘ much have Overpowered the other Party without Doors, as
 ‘ they Outvoted them within, since it was known, that except
 ‘ the Duke of *At—le*, the principal Number of the Opposers,
 ‘ were not Men of the greatest Interest in their Country, I mean
 ‘ as to the Command of their Vassals and Attendants.

“ But they never brought it to the Extremity of that Tryal,
 ‘ and therefore the Motions of the Party as to General Aver-
 ‘ sions, being laid aside, they found themselves under a
 ‘ Necessity of Struggling in Parliament only.

“ The Endeavours of Mobbing the Parliament were suppressed,
 ‘ and the Addresses obtained only a Reading, but had no direct
 ‘ Answer given them, other than the Proceedings of the House
 ‘ of Course, made out; the Thing now to be carried on within
 ‘ Doors was, to load the Treaty with Impracticable Amendments,
 ‘ while the Party without Doors endeavoured on the one
 ‘ Hand, to raise Tumults in the Country, bring up popular
 ‘ Addresses, and at last, down-right Rebellion, as in its place
 ‘ will appear: And on the other Hand, to Displease and
 ‘ Dissatisfie the Ministers, and bring them to appear publicly
 ‘ Uneasy; Of which we shall see further in its place.

“ The Debates of this day were very Warm, and several
 ‘ long Speeches were made, but it was impossible to obtain
 ‘ Abstracts of Speeches, which we could but just hear, and I
 ‘ shall not venture to Injure, either the Speaker or Hearer, by
 ‘ imposing my Language upon them, to Express what others
 ‘ said.

“ Long Debates were offered to the second part of the Vote
 ‘ above, *viz.* That the Union was Impracticable, that the
 ‘ Joyning of Nations could not be, would tend to Con-
 ‘ fusion, and be necessarily broken, as in the Vote. This was
 ‘ raised upon the aforelaid Book of Mr. *Hodges*, and proved evi-
 ‘ dently, that it was not his Hypothesis, but a Concert of
 ‘ Heads——, and his interfeiring Interests were here discour’d
 ‘ of.

“ I am not willing, to Examine into the Inconsistencies of
 ‘ some peoples Notions, started here in Matters of Interests,
 ‘ and how they raised Objections, which were not Grounded
 ‘ on Fact, Especially in Matters of Trade, I bury them in
 ‘ Silence, in respect to the Gentlemen; But it was next to
 ‘ Miraculous, to hear Men of sense alledge, That *England* got
 ‘ nothing by her *West-India* Trade, that most of her Forseign
 ‘ Trade was Engrossed by exclusive Companies, that *Scotland*

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‘ got nothing by Trading with *England*, that *Scotland* could
 ‘ Gain by any Foreign Trade but *England*, and the like; these
 ‘ things will more evidently be detected hereafter.

“ In short, a Federal Union was offered; *That was understood*, any
 ‘ thing but the Right, anything but the Treaty now begun, be-
 ‘ anduse, could they have obtain’d a Vote against the present
 ‘ Teaty, the gaining Time for another Parliament had followed,
 ‘ and the Design of putting off, or delaying Time, had taken
 ‘ Effect.

“ Some Gentlemen, with extraordinary Reason and Force
 ‘ of Argument, endeavour’d to Explain them the Absurdities and
 ‘ Inconsistencies of that Project, & put the House in mind, that it
 ‘ was not a Federal Union, or a better Union that those
 ‘ Gentlemen desired, but really no Union at all; And that the
 ‘ Design was to Defeat the Endeavours of the Union only, in
 ‘ order to bring in *French* Bondage, and King *James VIII* upon
 ‘ them.

“ Upon the whole, the other Party soon saw in the House, it
 ‘ would go against them, & therefore, before it was put to the Vote,
 ‘ the Duke of *A---ole* gave in his Protest, as in the Vote, toge-
 ‘ ther with the whole Party of Opposers, on whatsoever prin-
 ‘ ciple they Opposed; which Protest they had ready Concerted
 ‘ before, expecting, as was supposed, Things would go as they
 ‘ did, and that they should be Overpowered in the House.

“ I can not but Note here, that this great Debate, and on
 ‘ which the whole Weight of the Matter depended, happened
 ‘ on that Famous Day to *Britain*, I mean the very Day on
 ‘ which the Prince of *Orange*, afterward King *William* came to
 ‘ *England*, and was also the Birth-day of that Glorious Mo-
 ‘ narch.

“ On the same day, now a second time, the Fate of *Britain*
 ‘ had a new Turn, and the success of that gave a pleasant
 ‘ preface to many observing People of the future happy Issue of
 ‘ the Thing now in hand.

“ The Gentlemen, who let slip no occasion to puzzle the
 ‘ Debates of this Matter, had now conceiv’d great hopes of a
 ‘ Broil among the Ministers, and were exceeding busie, to fill
 ‘ the Heads of some of the Gentlemen of the Clergy with Je-
 ‘ lousies and Dissatisfactions——, and yet I can not say, they
 ‘ brought in the Overture at this time, tho’ they were always
 ‘ forward to push on that side too.

“ I can not say neither, that they met with no Encouragement
 ‘ here, or that there were no Warm Heads to be found in the Com-
 ‘ mission, who apter to take Fire than was to be wished, were
 ‘ more easily gain’d, but if there were any such, the Prudence
 ‘ and Moderation of the rest of the Commission, so Over-ruled
 ‘ them, as kept them from any Precipitations, and Contributed
 ‘ greatly to the General Safety; Of which I have spoken more
 ‘ largely in its place.

MINUTE XVI.

Wednesday 6. November 1706.

*Prayers Said,
Rolls Called,*

The Lord Chancellor Moved, That albeit he had no Opportunity to Vote for Approving of the First Article of Union, yet he desired his Name to be Recorded, and to be Printed with those who Voted *Approve*, and the same was agreed to.

Address of the Commissioners to the General Convention of the Royal Burrows, subscribed by the Preses of the Convention, against Concluding such an Incorporating Union, as is contained in the Articles proposed, given in and Read.

Then the following Addresses were given in, *viz.* Address by Barons, Freeholders and others within the Shire of *Renfrew*, subscribing the same; Address by Barons, Freeholders and others within the Shire of *Fife*, subscribing the same; and an Address by the Magistrates of the Burgh of *Falkland*, Counsellors and Inhabitants therein, and of Heretors within the Paroch thereof, subscribing the same; all against allowing of an Incorporating Union, in the Terms contained in the Articles, with *England*, and were all Read.

And an Address by Heretors, Elders, and Masters of Families within the Paroch of *Hamilton*, subscribers of the same, That no Union be hastily entered into with *England* also given in and Read.

Act for Security of the True Protestant Religion and Government of the Church as by Law established within this Kingdom, again Read, and a first Reading Ordered to be Marked thereon.

Adjourned till Friday next at Ten of the Clock.

OBSERVATION XVI.

"The Fatigue of the last day was so great, that both sides seem'd as it were, to take Breath; and little was done to day, except Reading the Church Act.

"My Lord Chancellor, like the Speaker of the House of Commons, having no Vote in the House, unless on an equal Division, his Lordships Name could not be Printed in the List of Names; but his Lordships Zeal was always remarkable in carrying on this Union, and in this in particular, his Lordship was resolv'd to let the World know, he was not asham'd of the part he had taken in this Affair, and therefore moved very Honourably to have his Name Printed with the rest of the Gentlemen who Voted for the Union, the List of whom I have put into the Appendix to this Work, because the Vote upon this

'this Article being the main Tryal of Skill in the House,
'upon the Union in General, and the House having Ordered
'them to be made Publick with the Minutes; it may not be
'Amis to let Posterity see who, and who, were for, or against.
"There were several other Lists Printed, upon the occasion
'of the following Votes, as *per* the respective Minutes will
'appear, which I have for want of Room, Omitted; The
'present List will be found marked—N. F x x.

MINUTE XVII.

Friday 8. November 1706.

Prayers Said,
Rolls Called,

Representation and Petition of the Commission of the General Assembly of this Church, Representing several Difficulties in relation to some of the Articles of Union, and Craving suteable Remedies, Read.

Then the following Addresses were given in and Read, *viz.* Address of the Inhabitants of the Paroch of *Tulliallan*, subscribing the same; Address of the Magistrates, Town-Council, Merchants, Deacons of Crafts, and other Tradesmen and Inhabitants within the Burgh of *Dumferling*, Subscribers of the same; and an Address by Heretors, Merchants, Masters of Ships, Mariners, and other Inhabitants in the Town of *Borrowstounness*, subscribing the same, all against allowing of an Incorporating Union with *England*, upon the Terms contained in the Articles.

As also, an Address of the Inhabitants of the Paroch of *Blantyre*, Subscribers of the same, and an Address of Heretors and Commoners in the Paroch of *Avendale*, subscribing the same, That no Union be hastily entered into with *England*, were likewise given in and Read.

Thereafter an Act for Security of the True Protestant Religion and Government of the Church, as by Law Established within this Kingdom, was again Read.

Moved, That the Consideration of the said Act be delayed till next *Sederunt*.

Moved also, That the Parliament proceed to the Consideration of the Act for a Supply.

And after some Reasonings on these Motions, it was agreed to lay aside the Act for Security of the Protestant Religion and Church Government for this *Sederunt*, and to proceed to the Act for a Supply, and accordingly the Act for a Supply was again Read.

And it was agreed, That a Supply of Eight Months Cess should be granted to Her Majesty, for the Ends and Uses mentioned in the

Act, extending to Five Hundred and Seventy Seven Thousand Sixty Six Pounds, Thirteen Shilling, Four Pennies, and that it should be payable at the Terms following, *viz.* One Months Supply the Tenth of *December* for *Martinmas* next, One Month and a half Months Supply at *Candlemas* One Thousand Seven Hundred and Seven, One Month and a half at *Whitsunday*, One Month and a half at *Lambmas*, One Month and a half at *Martinmas* the said Year, and one Months Supply at *Candlemas* One Thousand Seven Hundred and Eight.

Moved, That, in place of the Retention of a Twelfth Part of Annualrents allowed by the above Act for a Supply, there be an Allowance granted for Retention of a sixth part of Annualrents, and after some Reasoning thereupon, it was put to the Vote, *Approve* of the Article anent the Retention, or *Amend*, and it carried *Approve*.

And after some Amendments, the Act was Voted and Approven.
Adjourned till the Morrow at Ten a Clock.

OBSERVATION XVII.

"I have already given an account of the Birth of this Paper called, *The Representation and Petition*, and the several Difficulties it met with in the Commission of the Assembly, and which, some have said, was a Reason, why it met with less Encouragement in the Parliament, than was expected, but it may be worth Notice, that notwithstanding it did not meet with a very kind Reception, some of the Gentlemen having been disoblighd in the Case of their Protest, yet the House did not wholly Omit the Things desired in it.

"Some of the Gentlemen, who, as Ruling Elders, had protested in the Commission, had it seems met with some Personal Reflections from the Rashness of some Members, that was disoblighing enough, and upon which they had withdrawn themselves from the Commission, and seldom, if at all, came there any more during the whole Sitting; And tho' the Rashness of the Persons who gave those Reflections, was not Approved by the Commission, yet it stuck a little too close with some People, and it was thought, made them less careful of the Application made by the Ministers in this Case.

"Upon the receiving the Representation or Petition into the House, there were no Debates of any Consequence, it was only Read, and the Act of Security being as *per* the Minutes Adjourned, the other lay by of Course.

"The Money Bill now came on, and as the other Party thought the speeding of it might be a Step, to put an End to the Session, they all came into it, and gave it all the dispatch possible.

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"It was apparent, that in order to break up this Treaty, the Gentlemen studied all possible Methods to raise the Parliament——, this they could never have done while the Funds remained Unsettled, because it being a Thing of such Consequence to the Kingdom, the whole Countrey would have laid it at their Door, and the Queen would have had the highest Affront put upon both Her Person and Government imaginable; And therefore this was one of the first Things they pusht at, and that made it pass immediately with no Opposition at all, those Gentlemen complying with it as it was removing an Obstruction to their General Design.

MINUTE XVIII.

Saturday 9 November 1706.

*Prayers said,
Rolls Called.*

The Act for Supply was Touched with the Scepter by Her Majesty's high Commissioner in the usual manner.

Thereafter the following Addresses were given in and read, *viz.* Address by the Provost, Baillies, Town-Council and Burgeses of the Burgh of *Forfar* subscribing the same. Address of Heretors and Commons in the Paroch of *Cambusnethan* subscribing the same, Address of the Heretors, Elders, and Heads of Families of the Paroch of *Cambuslang* subscribers of the same; Address by Heretors, Session and Inhabitants of the Paroch of *Kilbryde* subscribing the same; Address of the Heretors, Elders, and Masters of Families in the Paroch of *Bothwell* subscribing the same; And an Address by Heretors and Commons in the Paroch of *Old Munkland* subscribing the same: All against entering into an Union with *England* in the Terms of the Articles.

Thereafter the Act for Security of the True Protestant Religion and Government of the Church as by Law established within this Kingdom was again read; And upon reading the first Clause thereof, It was moved, that there should be a particular Enumeration made of all the Acts in favours of the Kirk; And after some Reasoning thereon, the Vote was stated, *Approve of the Clause as it stands, or amend and enumerat the Acts*, and it carried *Approve*.

Then the second Clause of the said Act was read, and agreed to.

And upon reading the third Clause, it was moved, That an Additional Clause be added for securing the Continuance of the Universities and Colleges of this Kingdom, and thereupon an Amendment being made in thir Terms; That the Universities and Colleges of this Kingdom, *viz.* Of *St. Andrews, Glasgow, Aberdeen* and
* O *Edinburgh,*

4 Minutes of the Parliament of SCOTLAND,

Edinburgb, as now establiſhed by Law, ſhall continue within this Kingdom for ever: After ſome Debate thereupon, the Vote was put, *Approve of the Clause as amended, or not;* and it carried *Approve.*

Adjourned till Tueſday next at ten of the Clock.

O B S E R V A T I O N XVIII.

“The Amendments here made to the Act for Security of the Church, make it evident, that the Parliament did not ſlightly paſs over that Affair, as ſome people pretended they would do, tho’ they did not enter into the Debate of the Inſufficiency which ſome offered, as Things which tended not to Amendments of the Act as it was offered, but to a Rupture of the Debate; for the People who offered at the Inſufficiency of the Act, went upon this Foot; Not that this Overture or Act was an Inſufficient Security, but that really the Union with *England* as an Episcopall Nation, was Inconſiſtent with the Safety of the Church of *Scotland*; and that not this Act only was, but any other Act that could be made, would be Inſufficient to ſecure the Church of *Scotland*.

“This appeared to be the plain Deſign, in that as I have already noted, the Gentlemen that ſpoke Loudeſt for the Inſufficiency of the Act of Security, were not of thoſe People, who really were moſt concerned for the Safety of the Church of *Scotland*; the Objections alſo were not Calculated for Amendments or Additions, but for Deſtroying the Bill it ſelf, as Built on the ſuppoſition of a Union, which, they ſaid, Was a Foundation that would not bear ſuch a Superſtructure——. And tho’ ſome well meaning Men too were of Opinion, that the Church of *Scotland* could not really be ſafe in a Union within *England*; yet theſe Gentlemen, as is noted, applyed it purely as an Obſtacle to the Union, and as a Thing by which means, they hoped, to render the Union Univerſally Odious and Terrible to the People.

“And this will be more apparent from the Proteſt entered into, after all the Clauſes were Read, and after all Amendments, that could be reaſonably deſired, were agreed to, as will appear in the next days Minute.

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MINUTE XIX.

Tuesday 12 November 1706.

Prayers said,
Rolls Called,

The following Addreses were given in and read, viz. Address of the Magistrates, Town-Council, Merchants, Deacons of Crafts and other Inhabitants within the Burgh of *Crail* subscribing the same; Address of Heretors and Commons in the Paroch of *Easter-Munkland* subscribers of the same; Address of Heretors and Commoners in the Paroch of *Shotts* subscribing the same; Address of Heretors and Commoners of the Paroch of *Dalserf* subscribing the same; Address of Heretors and Commoners in the Paroch of *Stenhouse* subscribers of the same; Address of a Body of People in the South and Western Shires, subscribed by Mr. *John Hepburn* and other seven persons; and an Address of the Magistrates, Town-Council and other Inhabitants of the Burgh of *Kircudbright* subscribers of the same; All against allowing an Union with *England* in the Terms of the Articles.

Thereafter the Parliament proceeded to the further Consideration of the Act for Security of the True Protestant Religion, and Government of the Church as by Law established within this Kingdom, and the Fourth Clause thereof again read, whereupon it was moved, that a Clause should be added in thir Terms, *And that they shall be capable of any Office Civil or Military, and to receive any Grant, Gift or Right, and to have Command or Place of Trust from and under the Sovereign within any Part of Great-Britain:* And after Debate thereupon, it was put to the Vote, *Add the above Clause, or not;* and it carried *Not.* And the Clause as it stood in the Draught of the Act agreed to.

Then the Fifth Clause of the Act was also read, and agreed to with some Amendments.

And the next Clause being again read and amended, was likewise agreed to.

Whereupon the whole Act was again read, as also the last Representation and Petition of the Commission of the General Assembly of the Church, and a Vote was thereupon stated, *Approve the Act, or not.*

But before Voting, the Lord *Beilhaven* gave in a Protestation in thir Terms, *That he did Protest in his own Name, and in Name of all those who shall adhere to him, That this Act is no valid Security to the Church of Scotland, as it is now established by Law, in case of an Incorporating Union, and that the Church of Scotland can have no real and solid Security by any manner of Union, by which the Claim of Right is unhinged, our Parliament Incorporated, and our distinct Sovereignty and Independency abolished;* which being read, he took Instruments thereupon: And the Duke of *Hamilton*, the Duke of

Athole, the Marquess of *Annandale*, the Earl of *Errol*, the Earl *Marischal*, the Earl of *Wigtoun*, the Earl of *Selkirk*, the Earl of *Kincardine*, the Viscounts of *Stormount* and *Kilsyth*, the Lord *Oliphant*, the Lord *Blantyre*, the Lord *Colvil*, the Lord *Kinnaird*, *Andrew Fletcher* of *Salton*, *John Brisbane* younger of *Bishoptoun*, *Mr. William Cochran* of *Kilmaronock*, *Sir Humphray Colquhoun* of *Luss*, *Robert Rollo* of *Powhouse*, *John Murray* of *Strowan*, *Francis Molison*, *Mr. John Carruthers*, and *George Home* adhered thereto.

Moved, That all the Members should be Marked, as they should approve the *Act* or not, and also as they should adhere to the Protest, and that the List of the Members, as they shall Vote *pro* or *con*, shall be printed, and agreed to.

Then the Vote was put, *Approve*, or *Not*; and it carried *Approve*.

Adjourned till Thursday next at Ten of the Clock.

O B S E R V A T I O N XIX.

“ The reading of the *Act* of Security having been begun last day, several Amendments were offered, such as first the Enumerating the *Acts* of Parliament upon which it was grounded; This admitted no long Debates, if it had had any Signification, it would have been granted, but it was generally esteemed a thing of no value, meerly unnecessary and trifling, and as such was rejected: The Reason given was, because one *Act* is particularly specified to be ratified by this Treaty, *to wit*, The 4th *Act* of the 1st Parliament of King *William* and Queen *Mary*, Intituled, *An Act Ratifying the Confession of Faith, and Settling Presbyterian Church Government*, and then it mentions, *With the hail other Acts relating thereunto*, which was thought sufficient and full enough.

“ The next Amendment was for the Colleges, which was found reasonable, and was hinted by some, who had, not without just Cause observed, how much the Schools of the Dissenters in *England* are regretted by some People, who envy the Encrease of their Number; And this therefore, as a most reasonable Demand, was immediately agreed to by the the Parliament, and is made part of the *Act*, as will appear by the Draught of the Bill.

“ The Fourth Clause had an Objection of greater Moment depending on it, which caused long Debates, and was built on a Foundation, however plausible and just in it self, had yet such a known Impossibility before it, *morally speaking*, as that no small Hopes were conceived from it, that it would shock the whole Treaty:

“ All Men know, That, in *England*, by the *TEST ACT*, as it is called, all Persons that obtain any Office, Civil or Military, &c. are obliged to take the Sacrament, according to the Usage of the Church of *England*, and to bring Certificates, &c. of the same, under pain of Incapacity, among

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other

other Penalties: Now it was a most plausible Argument, That, if the Subjects of both Kingdoms were to enjoy equal Privileges, the Subjects of *Scotland* taking the Sacrament in the National Church of *Scotland*, ought to be as capable of Places or Offices, &c. as the Subjects of *England* taking the Sacrament in the National Church of *England*.

Nor was this Matter carried a little Way, but became the Subject of infinite Discontents without Doors, and of long Disputes within —; It was suggested and printed too, by the same Author, of whom mention is already made, as Writing against the Union, That all the Members of Parliament in *England* were obliged to take the Sacrament before they could sit in the House, but this, as false in Fact, was crush'd at first, several Accounts being given of its being quite otherways —; But then this Clause coming in upon the Neck of that Surmise, it was thought a Popular Argument, and indeed was so: And the People began to be very uneasy about it, said the Parliament would give up all to the *English*; That this was so fair a Thing, it could not be argued against, and indeed a great many People looked upon the Thing, viz. taking of the *English* TEST, as what they wished earnestly enough to have done; but the more penetrating Judgments saw further into the Depth of this, and finding it a Design purely strikeing at the Root of the Union, they were the rather inclined to drop it, tho' they at the same time desired it —, the Difficulty lying in this, That the Sacramental Test being a thing the *English* Parliament have been very Tenacious of, upon all Occasions, this would be to ask something which they knew would not be granted, and consequently put the Treaty to a Stop.

Others again proposed a Reciprocal Test to be placed in *Scotland*, to secure or exclude all such of the *English* Nation, as would not acknowledge this Church, &c. The Tenor of this was according to the following Copy, which they called a Formula.

"I A. B. do Swear and Declare, That the Presbyterian Government of this Church is a lawful Government, and that I shall neither, directly nor indirectly, do any thing to the Alteration thereof.

But this also dropped of it self, for some People that were nevertheless against the Union; yet were against this sort of Reciprocal Oath, as a thing they did not approve on any Account one or other.

there were some small Amendments to the Fifth and Sixth Clause, but not of Consequence, and thus this difficult Matter was past into a Law.

There were some who clamour'd very much on this Head, and a great many personal Reflections were made, I will not say, altogether without Cause, viz. That the Church was abandoned by her own Friends, or at least by those who pretended to be so; That, if they had asked more, it might have been

obtained; and that the Demands the Ministers made, were not duly weighed, *much less answered*; but yet it seems, on the whole, that the main Foundation Article, *viz.* The Establishment of the Church Government unalterable, was effectually secured; and tho' some particulars might be omitted, the Church has no open place left, at which her Enemies can wound her Constitution.

"There were great Clamours raised, both within and without the House, about the Insufficiency of this Act of Security, as that it was *lessening the Security the Church already had by the Claim of Right*, and not providing an Equivalent Security in the Room of it; That the very Treating of it, implied a further Security was needful, and yet no further Security was provided, than alone confirming the Claim of Right.

"This was the Foundation of the Proposal of the Reciprocal Test, or an Oath to secure the Church of Scotland, in like manner, as the Test Act is for the Security of the Church of England. Of which above.

"Another Objection was, That tho' indeed the Act of William and Mary was confirmed, yet, that the Act declaring it to be High Treason to Impugn the Claim of Right was not confirmed, nor the other Acts relating thereto specified —; Nor some Ancient obsolete Acts taken away, which stand unrepealed, and which are inconsistent with Presbyterian Government.

"This was Answered, particularly as to Enumerating the Acts *as above* and as to Repealing the Acts, the Twenty Fifth Article of the Union declares all Acts contraveening this Treaty to be so far, as they do so contraveen this Treaty, *ipso facto* Repealed, &c.

"Again it was objected, That here was no Provision made for Prevention of Mischief to the Church, for want of a Commission or Court for Plantation of Kirks, and Valuation of Teinds, which is what the Church will be in great want of.

"This was effectually Answered, by settling an Act of Parliament, previous to the Union, for the Plantation of Kirks and Valuation of Teinds, *Impowering the Lords of Council and Session to Judge, Cognosce and Determine in all Affairs and Causes whatsoever, which, by the Laws and Acts of Parliament of this Kingdom, were formerly referred to, and did pertain and belong to the Jurisdiction and Cognizance of the Commissioners formerly appointed for that Effect, as fully and freely in all respects, as the said Lords do or may in other Civil Causes.*

"The great and main Objections were against the Possibility of either Church or State being secured so by this Treaty, as that a *British* Parliament might not overwhelm it again by Plurality of Voices, which is a supposed Consent.

"This, as the same, with the general Objection against the Union, was answered in the general Terms of the Union, *viz.*

* viz. That this was to remain Unalterable for ever, and therefore could not be supposed to be Temporary.

" Upon the Debate of these Things its plain, what I have so often alledged on these Gentlemen, and which therefore is not putting it as my Opinion, which I am not at all forward to offer to the World; but it appears, That the Objection of the Gentlemen did not so much ly against particular Clauses, tho' they thought fit to dispute their Ground by Inches there too, but this Objection lay against the general Head, *The Union*, and they brought every Head, as they went thro' them, to shock directly with the whole Treaty.

" Thus in the Protest given in here by the Lords Dissenting, it is expressly said, That the Church of *Scotland* can have no real and solid Security by any manner of Union, &c. — as per the Minute.

" Also it is to be noted here, That the Gentlemen of *that side* were the first who Moved to Print the Names of all those that Voted to the first Article, *Pro* and *Con*, which was thought at that time a day, an Exposing the Persons to the popular Resentment, the Tumults of the People beginning to be at that time very high.

" But the other Party, who had agreed voluntarily to the said Printing of Names, took the Advantage now, and Mov'd, That the same might be done also, in the Vote about the Church, by which the Episcopal Party were brought in, protesting in behalf of the Church: The Gentlemen would have avoided it, but having been the first in putting the like upon the other, they could not shun it: This Exposed them very much, and opened the Eyes of many of the People, when they saw such People Voting for the Church, who never own'd the Church in their Lives; and others Voting against the Thing, who were constant Members of the Church, and had given constant proof of their Zeal for the Churches advantage.

" And thus the Act of Security was past, and after Engrossed into the Body of the Articles, as will appear by the Act of Parliament.

MINUTE XX.

Thursday 14. November 1706.

Prayers Said,

Rolls Called,

The Lord Chancellor moved, that albeit he had no Opportunity to Vote for approving the Act *For security of the true Protestant Religion and Government of the Church of Scotland as now by Law established*; yet he desired his Name to be Recorded as an Approver,

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and to be Printed among those who Voted *Approve*: And the same was agreed to.

Then the following Addreffes were given in and read, *viz.* Ad-
drefs of Parochiners of *Covington, Carstairs* and *Symontoun* subscrib-
ing the famen; Adrefs of Parochiners of *Libertoun, Quothquan*
and *Dunfyre* subscribers of the same; Adrefs of the Magiftrates,
Gentlemen, Heretors, Burgefles and Inhabitants within the Burgh
and Paroch of *Rutherglen* subscribing the same; Adrefs of the Pa-
rochiners of *Carnwath* subscribers of the same; And an Adrefs of
Barons, Heretors and Free-holders within the Sheriffdom of *Lanerk*
subscribers of the famen: All againft allowing an Union with *Eng-
land* in the Terms of the Articles.

Thereafter the fecond Article of the Union again read, where-
upon a Motion was made in thir Terms; "That before any Vote
upon the fecond Article of Union, it be infert in the Minutes as a
Preliminary, That the agreeing to the fecond Article of the Treaty
in relation to the Succeffion to the Crown of *Great Britain*, fhall
not be binding, or have any effect, unlefs Terms and Conditions
of an Union of the two Kingdoms be finally adjusted and con-
cluded, and an Act pafs thereupon in this Parliament; And that
the faids Terms and Conditions be alfo agreed to, and Ratified
by an Act of the Parliament of *England*.

As alfo a *Refolve* was given in, in thir Terms, *viz.* "Resolved,
that this Houfe will proceed to the Confideration of the Articles in
the Treaty which relate to Trade and Taxes before any of the
other Articles; which being read,

After fome Debate thereupon, the Vote was ftated *Proceed to the
Confideration of the fecond Article of the Union in the terms of the
above Motion, or proceed to the Confideration of the Fourth and other
Articles of the Treaty which relate to Trade and Taxes.*

And before Voting, it was agreed, That the Members fhould be
marked as they Vote, and that the Lift of their Names fhould be
Printed accordingly.

Then the Vote was put, *Proceed to the fecond Article of Union in
the terms of the Preliminary Motion, or proceed to the Fourth and
other Articles*; and it carried *proceed to the fecond Article of Union.*

Adjourned till to Morrow at ten of the Clock.

OBSERVATION XX.

"The Obfervations on this day are referr'd to the next,
there being nothing done, but the Vote to proceed.

"The Oppofion to this Vote was in order, if poffible, to have
delayed the Affair of the Succeffion, to have kept the *Jacobite*
Party expecting, and confequently adhering to them in the
Oppofition, but they fell out quickly, as will appear in the
next Minute.

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MINUTE

MINUTE XXI.

Friday 15. November 1706.

Prayers Said,
Rolls Called,

Representation and Petition of the Commission of the General Assembly of this Church, Representing the Increase of Popery, Prophanity and other Irregularities; and craving the same may be restrained, and that the Succession to the Crown may be Established in the Protestant Line, Read; and remitted to the Committee for Examining the Calculation of the Equivalent, to consider of proper Methods for suppressing Popery, Prophanity and other Irregularities, and for Execution of the Laws already made; and to consider what Laws may be further necessary for the effectual suppressing thereof, and preventing the same.

Then the following Addresses were given in and Read, viz. Address of Merchants and Trades of the City of *Glasgow*, subscribers of the same; Address of Feuars, Masters of Families, and other Inhabitants of *Gorbels*, and Mure thereof subscribing the same; Address of the Parochioners of *Biggar*, subscribers of the same; And two several Addresses of Barons, Heretors and Freeholders of the Shire of *Lanerk*, subscribing the same, all against allowing an Union with *England* in the Terms of the Articles.

Thereafter the second Article of Union was again Read, with the preliminary Motion mentioned in the former days Minutes.

Whereupon it was moved, That the Parliament do proceed to settle the Succession upon Regulations and Limitations in the Terms of the Resolve given in and narrated in the Minutes of the Fourth of *November* instant, and not in the Terms of the second Article of Union.

Moved also, To Address Her Majesty, and to lay before Her the Condition of the Nation, and the great Aversion in many persons to an Incorporating Union with *England*, and to acquaint Her Majesty of the Inclinations and Willingness to settle the Succession in the Protestant Line upon Limitations, and in order thereto that some Recess be granted.

And after Debate upon these several Motions, a Vote was proposed, *Approve of the second Article of Union in the Terms of the preliminary Motion insert in the former Days Minutes, or not.*

And after some further Debate, there was a second State of a Vote offered in these Terms, *Address or not.*

And after some Reasoning, which of the two should be the state of the Vote, it was put to the Vote, *Whether first or second*, and it carried *first*.

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But it being Moved, That some further Reasoning should be allowed before the Vote were stated for approving the second Article of Union; after some Debate thereupon, it was agreed, That the *English* Acts of Parliament mentioned in the second Article of Union be Read, and that immediately thereafter without further Debate, a Vote should be stated, Proceed to call the Vote for approving the second Article of Union, or Delay, and if it carried Proceed, that the Vote immediately thereafter, without any intervening Debate be put, Approve of the second Article of Union in the Terms of the preliminary Motion mentioned in the last Days Minutes, or not.

And accordingly the Acts of the *English* Parliament mentioned in the second Article of Union were Read.

Thereafter the Vote was put, proceed to call the Vote for approving the said second Article of Union, or delay, and it carried proceed.

Then the Vote was put, approve the second Article of Union in the Terms of the preliminary Motion insert in the last Days Minutes, Yea, or Not.

But before Voting the Earl *Marischal* gave in the following Protest, whereby he did protest for himself, and all those who shall adhere to this Protestation, *That no person can be designed a Successor to the Crown of this Realm, after the Decease of Her Majesty (whom GOD long preserve) and failing Heirs of Her Body, who is Successor to the Crown of England; Unless that in this present Session of Parliament, or any other Session of this or any ensuing Parliament during Her Majesties Reign, There be such Conditions of Government Settled and Enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom, the Freedom, Frequency and Power of Parliament, the Religion, Liberty and Trade of the Nation, from English or any Foreign Influence;* Which being Read, he took Instruments thereupon, and the Dukes of *Hamilton* and *Athole*, the Earls of *Errol*, *Marischal*, *Wigtoun* and *Strathmore*, the Viscounts of *Stormount* and *Kilsyth*, the Lords *Saltoun*, *Semple*, *Oliphant*, *Balmerino*, *Blantyre*, *Burgany*, *Colvil* and *Kinnaird*, *George Lockhart of Carnwath*, *Andrew Fletcher of Saltoun*, *Mr. Alexander Ferguson of Isle*, *John Brisbane* younger of *Bishoptoun*, *Mr. William Cochran of Kilmaronock*, *John Grahame of Killairn*, *James Grahame of Bucklyvie*, *Robert Rollo of Powhouse*, *John Murray of Strowan*, *James More of Stonywood*, *Mr. Thomas Hope of Rankeilor*, *Mr. Patrick Lyon of Auchterhouse*, *Mr. James Carnegie of Phinhaven*, *David Grahame* younger of *Pintrie*, *James Ogilvie* younger of *Boyn*, *James Sinclair of Stempster*, *Mr. George Mackenzie of Inchcoulter*, *Alexander Edgar*, *James Oswald*, *Alexander Duff*, *Francis Molison*, *George Smith*, *Robert Scot*, *Robert Kellie*, *John Hutchison*, *Archibald Sheills*, *Mr. John Lyon*, *Mr. John Carruthers*, *George Home*, *John Baine*, and *Mr. Robert Frazer* adhered thereto.

And it was agreed, That the Members shall be marked as they shall adhere to the Protest; and also as they shall Vote Approve

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or

or not, and the List of the Members Names as they shall Vote *pro* or *con*, be Printed.

Then the Vote was put, *Approve* or *not*, and it carried *Approve*.

And the Lord High Chancellor was allowed to have his Name Printed and Recorded as an Approver ; As also to be Recorded and Printed amongst those who Voted proceed to the second Article the last *Sederunt*.

Adjourned till Monday next at Ten of the Clock.

OBSERVATION XXI.

" The Debates of this Day made yet a larger Discovery of the Affair, and the Gentlemen who were against the Union, struggling on all Occasions against the going on of the Articles, took now a new measure.

" The Marquess of *An—dale* made this Motion for the Succession, as appeared by the Lord *Beilhavens* Speech ; There had been a Party of Gentlemen, as was before observed, who were always for the Succession with Limitations, but were opposed by others who were intirely against the Succession at all, as it respected the House of *Hannover* : But as several People differing in their other Sentiments, yet joyned in their opposing the Union, so here the strongest Opposers of the Succession came now into the Thing they had so long opposed, and moved now for the Succession with Limitations, in order to avoid the Union.

" My Lord *Beilhaven* seconded this with another Speech, which was afterward printed, in which his Lordship moved for settling the Succession upon the Princess *Sophia of Hannover &c.* I have printed this Speech the rather, because it is really the Substance or Recital of three Speeches, as will be seen in the particulars of it, and shews plainer than I can otherways express, how that part was acted.

My Lord Chancellor.

" Your Lordship may remember the last day, when we had under Consideration, whether to proceed to the *Fourth* or *Second Article*, That I did Witness my Concern and Resentment, to find so many Honourable and Worthy Members of this House, so forward to finish the Demands of *England*, in this Treaty ; without taking Notice of any one Article, that could be properly said to relate to the Demands of *Scotland* :

" Now, that we are entered upon the *Second Article*, I desire to be resolved in one QUESTION, What are the Motives, that should engage us to take *England's* Succession upon their own Terms ? Is it not strange, that no

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ANSWER

• ANSWER should be given to this Question, save that,
 • When you come to consider the rest of the Articles, you shall
 • be satisfied on that Demand? This is a new way of Ar-
 • guing, My Lord, a Method without Precedent, ranver-
 • sing Nature; and looks more like Design than Fair-
 • Dealing. I profess, I think the Huge and Prodigious
 • Rains, that we have had of late, have either drowned
 • out, or found out another Channel for Reasoning, than
 • what was formerly; for by what I can see by this New
 • Method, the Agreeing to the First Article, shall be found
 • a sufficient Reason, why we should agree to the Second, and
 • the Agreeing to the Second for the Third, and so for all.

• “If there was ever such a Farce acted; if ever Reason
 • was *Hudibras’d*, this is the time: Consult all the Treaties
 • since the beginning of the World to this day, and if you
 • can find any one Precedent, I shall yield the Cause.

• “I shall Instance, My Lord, one for all, and that is,
 • The first and worst Treaty that ever was set on Foot for
 • Mankind; and yet, I am sorry to say it, there appears
 • more Ingenuity in it, than in our Procedure: When
 • the Serpent did Deceive our Mother Eve, he propos’d
 • three Advantages, before he presum’d to Advise her to
 • to Eat the Forbidden Fruit: The First was taken from
 • the Sight, the Second from the Taste, and the Third from
 • the Advantage following thereupon. That from the
 • Sight, was inforced by a Behold, *how lovely and comely a*
 • *thing it is, it’s pleasant to the Eye.* That from the Taste,
 • from a Perswasion, that it was Good for Nourishment,
 • *it’s good for Food.* That from the Advantage, it will
 • *make you wise, ye shall be as the Gods;* therefore, upon
 • all these Considerations, Eat.

• “Allow me, My Lord, to run the Parallel of this, with
 • Relation to our Procedure in this Treaty.

• “Upon the first Account that our Nation had, of the
 • Treaty’s being finished betwixt the two Nations, People
 • appeared all generally very well satisfied, as a thing
 • that would tend to the Removal of all Jealousies, and
 • the settling a good Understanding betwixt the two
 • Kingdoms. But, so soon as the Articles of the Treaty ap-
 • peared in Print, the very Sight of them made such a
 • Change, as is almost inconceivable; they were so far
 • from being pleasant to the Eye, My Lord, that the Na-
 • tion appears to abhor them.

• “One would think, My Lord, That it had been the
 • Interest of those, who are satisfied with the Thing, to
 • have gone immediately into the Merits of these particu-
 • lar Articles which relate to Scotland, and to have said,
 • Gentlemen, be not affrighted with their ugly Shape, they
 • are better than they are bonny; Come, Taste, come make a

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‘ narrow

‘ *narrow Search and Inquiry, they are good for Scotland;*
 ‘ *the wholesomest Food that a Decaying Nation can take:*
 ‘ *You shall find the Advantages, you shall find a Change of*
 ‘ *Condition, you shall become Rich immediately; you shall be*
 ‘ *like the English, the most Flourishing and Richest People of*
 ‘ *the Universe.*

“ But our Procedure, *My Lord*, hath been very far
 ‘ from the Prudence of the *Serpent*; for all our Arguments
 ‘ have run upon this blunt Topick, *Eat, swallow down*
 ‘ *this Incorporating Union, tho it please neither Eye nor*
 ‘ *Taste, it must go over: You must believe your Physicians, and*
 ‘ *we shall consider the Reasons for it afterwards.*

“ I wish, *My Lord*, That our *Lois* be not in some small
 ‘ manner Proportionable to that of our first Parents, they
 ‘ thought to have been Incorporate with the Gods: But
 ‘ in place of that, they were justly Expelled Paradise, Lost
 ‘ their Sovereignty over the Creatures, and were forced
 ‘ to Earn their Bread with the Sweat of their Brows.

“ *My Lord Chancellor*, I have heard a Proposal, made
 ‘ from the other Side by the Marquis of *Annandale*;
 ‘ That, in place of Agreeing to this *Second Article*, where-
 ‘ in the Succession is to be Declared, as a Consequence
 ‘ of our being United to *England* in one Kingdom, we
 ‘ should immediately go to Intail our Crown upon the
 ‘ Illustrious Family of *Hannover*, upon such Conditions
 ‘ and Limitations as are in our own Power to make, for
 ‘ the Security of our Sacred and Civil Concerns. I
 ‘ think, This is the Import of what his Lordship gave in,
 ‘ by a Resolve formerly, and hath told this Honourable
 ‘ House, That he thinks, he acts Consequentially to his
 ‘ Former declared Principles, and that this is now the on-
 ‘ ly Measure, which can settle and secure the Peace and
 ‘ Quiet of this Nation, and fix a firm Security for the Pro-
 ‘ testant Interest, and a perfect Understanding betwixt
 ‘ the two Nations.

“ I have also heard a Discourse, by his Grace the Duke
 ‘ of *Hamilton*, shewing, That ever since his Grace had
 ‘ the Honour to be a Member of this Honourable House;
 ‘ he had made it his Business to serve the Sovereign and
 ‘ his Nation faithfully and honestly, without any By-
 ‘ Ends, By-Views, or Self-Interests; That before the
 ‘ Affair of the Succession was Tabled in *Scotland*, he had
 ‘ endeavoured to promote the Interest of his Nation, by
 ‘ Good Laws, and by the best Counsels he was capable
 ‘ to give, for rectifying Things amiss, and advancing
 ‘ the solid Interest of his Country; That since the Affair
 ‘ of the Succession came to be Considered, he could never
 ‘ give himself the Liberty to believe, but that previous
 ‘ to any Settlement, we ought to have had such Conde-

' scensions with Relation to Trade and Commerce from
 ' *England*, as might Retrieve the Losses the Nation hath
 ' sustained from them, ever since the Union of the Two
 ' Crowns under one Sovereign; and that thereupon, to
 ' prevent all Faction and Party in the Treating of an Affair
 ' of such Importance, he had freely left the Nomination
 ' of the Lords Commissioners to Her Majesty, and wishes
 ' the Choice had been Answerable to his Design: But
 ' none can accuse him as Bargaining for himself; since he
 ' has no Reason to Complain of the Breach of any Sti-
 ' pulation upon that Head; That now having Consider-
 ' ed the Articles of this Treaty lying before us; and the
 ' Fatal Consequences that may follow upon the Finishing
 ' of an Incorporating Union with *England*, with the ge-
 ' neral *Aversation* that appears by the *Addresses* from the
 ' several Shires of the Kingdom, and particularly from the
 ' *Address of the Commission of the General Assembly*, and of
 ' the *Royal Burrows of Scotland*; he finds it necessary to al-
 ' ter his Thoughts of that Matter, That he was none of
 ' these who loved to keep Things Loose and in Confusion;
 ' He had an Estate in both Kingdoms, and therefore it was
 ' not to be supposed, he would make use only of a Treaty,
 ' to throw out the Succession one time; and of the Succes-
 ' sion, to throw off the Treaty another time. Therefore to
 ' prevent worse Consequences, he is content, That in this
 ' Parliament, the Succession be Declared and Settled upon
 ' the Illustrious Princess *Sophia Electress of Hanover*, and
 ' the Heirs of Her Body, upon such Conditions and Limi-
 ' tations as shall be found necessary by this Parliament, to
 ' secure our Civil Rights and Liberties, the Independency
 ' and Sovereignty of the Nation, & the Presbyterian Govern-
 ' ment of this Church, as it is Founded upon the *Claim of*
 ' *Right*, and Established by Law, and whose Privileges
 ' and Settlement he Resolves to Support with the Outmost
 ' of his Power.

" And therefore, his Grace thinks himself Obligated
 ' with all Humility in this present Juncture of Affairs, to
 ' Address himself particularly to His Grace My Lord Com-
 ' missioner, and to beg of his Grace, That he would be
 ' pleased to acquaint Her Majesty with the True State of the
 ' Nation, and with the Proposal made for Allaying the
 ' present Ferment and Settling a Solid Peace and Good Un-
 ' derstanding betwixt Her Two Kingdoms, and that a small
 ' Recess may be granted in the mean time, till Her Maje-
 ' sty's Gracious Answer come, which, with all Submission,
 ' he conceives, will prevent these Bad Consequences, that
 ' the further Pushing on of this Treaty may occasion. I
 ' think, My Lord, this is materially what his Grace said,
 ' tho' not so fully nor so well expressed.

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" Now,

Now, *My Lord*, it remains, that I give Account of my self and of my own Opinion of this Affair: All who know me, *My Lord*, know that I have been from the beginning on a Revolution foot; I ventured my Life and Fortune with the First, and I have ever since acted Consequentially to my Principle. It's true I was never a good Courtier under any Reign; because I had a Rule for my Obedience, and never made Obedience my Rule; my Reputation was never stained, Nor had I ever any Reproach laid upon me, save when I was brought in, Head over Ears, in a SCOTS PLOT, *A Plot, very well known, design'd to blast the Reputation of a Sex of People, the best affected to the Sovereign, and to the true Interest of their Nation, that ever Scotland bred.* What my Opinion was with Relation to the Succession is very well known also, I lookt upon Limitations with another Eye, than some others were pleas'd to do, I was far from Treating them in Ridicule; Because as all Human Affairs, they are lyable to Alterations, and might be taken off: that Argument proves too much, and consequently proves nothing at all. Should a Man refuse to have a good Estate settled upon him, because he may squander it away, and become Bankrupt? Must a Good Law be refused, because it may afterwards be Repealed? No, *My Lord*. Where the Power is lodged in our selves, we have all Human Security Imaginable for the Thing; It is not so, where the Power is lodged in others: therefore I shall alwise Choose that Security, which depends upon my self, preferable to any other.

"This, *My Lord*, hath Confirmed me, That Limitations of our own making is the best Security; tho I alwise thought them not the Full, of what we merited, for the going into the *English* Succession. For Considering the Injuries, that we have received from them, we ought to have Reparation upon this Emergent: and I think without Incorporating with them, they might have given us some small Incouragement in our Trade with them, which would have been profitable unto us, and no manner of way prejudicial unto them, as I can clearly Demonstrate, if there be Occasion for it: But since this is not the proper Place nor Season for such Proposals, I shall go in with the Proposal made by the Marquis of *Annan-dale*, and fortified by his Grace the Duke of *Hamilton*: because I think, it is the best that we can make of it at this time, the fittest Measure to prevent Civil Wars, allay the Ferment of the Nation, and far preferable to this *Incorporating Union*, which as to us in all it's Clauses appears to be most Unreasonable.

" This was a Politick Speech, there appeared some ill Nature in it, & a great deal of Satyre upon the Union, but that was the Temper of the Times, and must be past over on that account; nor shall I say any thing to it here, the Noble Person that made it, acquiesced in the Union freely enough when it was made; as shall appear in its place.

" But I can not pass it over without observing, That ———his Speech gives Light into several Things; *First*, It gives a hint at the Suggestion that had been made of D—— *H——*, aiming at his own Title in all his former Opposition made against the Succession, as well formerly as now, and clears that Noble Person from all supposition of such a thing, by his having offered now to come into the Succession.

" *Secondly*, It gives a true sight of the genuine Reason of all this sudden Compliance with the Succession, a Thing which had something very surprizing in it, and which, some thought, must have presently carried abundance of People from the other Party, the Design being, as was afterward publicly own'd, *if possible, to Evade the passing this Article, as a Branch of the Union.* The Case was, They were content with the Succession, as an Act of the Parliament of Scotland, settled and Established in the Form, necessary in that Case; but they would not have the Succession brought upon them as the Consequence of the Union.

" And at last, they had this at the Bottom of it all, That if the Succession had been taken, *as it was now offered*, it must have been taken in stead of the Union, and that had answered the present Occasion, *viz. Diverting the Grand Affair of the Union.*

" But they met with a double Disappointment in this, *First*, As to offering the Succession in stead of the Union, they came too late, since the Party who were for the Succession formerly with Limitations, were now come into the Union, as the best Scheme of Limitations they could ever hope to attain, and would not go back, finding the Union a better Scheme of Limitation than their own, because it Entitled them to all the Limitations already settled in *England*, which they could not but allow, were more and better than any they had proposed in *Scotland*, or than indeed they could expect to obtain.

" *Secondly*, They were disappointed in the way, for the *Jacobites who held with them before* in Opposing the Union, *broke with them here*, since they found themselves abandon'd by them in the main Article for which they opposed the Union, *viz. The Transposing the Crown, as they called it, from the Son of the late King James*; and if they were obliged to quite the Article of the Succession, the rest was indifferent to them.

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“ And therefore you find the Protest at the End of the Vote of this Day, was directly against the Union, tho’ it was put in the usual Form, of the former Article of Limitations, so these things did but increase the Division, and weaken the Party that Opposed the Union, and by that means gave the more Room for those who were for the Union, to carry it; And thus the Second Article past, which concluded the Settlement of the Protestant Succession. And it was to be observed, that the settling this Article was very satisfactory to abundance of People, who were otherwise not very well reconciled to the Treaty, and gave a Handle to the Friends of the Union, to bring some People to a clearer sight of their Interest, since they might see the Union was the readiest way, and perhaps the only way, to obtain the Protestant Succession, and to secure it upon the firmest Foundation, and on the best Limitations, a Thing which had been long wish’d, and very much struggled for before.

MINUTE XXII.

Munday 18. November 1706.

Prayers Said,

Rolls Called,

Then the following Addresses were given in and Read, viz. Address of Barons, Freeholders and others within the Stewartry of Kirkcudbright subscribing the same; Address of Heretors and Householders of the Paroch of Crawford subscribers of the same, Address of Heretors and Householders of the Paroch of Crawford-John subscribing the same; Address of the Magistrates, Dean of Guild, Thesaurer, Guild Council, Deacons of Trades, Members of the Town Council of the Burgh of Couper in Fife and others, Gildry, Trades and Burghesses of the said Burgh, subscribers of the same; Address of the Presbytery of Lanerk subscribing the same; And an Address of Heretors, Elders and Masters of Families in the Town and out Paroch of Lanerk subscribers of the same, all against an Union with England, in the Terms of the Articles.

Thereafter the third Article of Union was again Read.

Whereupon it was moved that the agreeing to the third Article of the Treaty, in relation to the Parliament of Great-Britain shall not be binding or have any effect, unless Terms and Conditions of an Union of the two Kingdoms, and particularly the Constitution of the said Parliament be finally adjusted and concluded, and an Act pass thereupon in this present Parliament, and that the said Terms and Conditions be also agreed to, and Ratified by an Act of the Parliament of England, the Constitution of the said Parliament of

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Great-Britain being left intire, until the Parliament come upon the twenty second Article.

Moved also to proceed to the consideration of the fourth and other Articles of Union before the third.

And after some Reasoning thereupon, it was put to the Vote, proceed to the Consideration of the third Article in the Terms of the above Motion relating thereto, or proceed to the fourth Article; and it carried, proceed to the third.

And accordingly the Parliament proceeded to the consideration of the third Article; And after long Debate thereupon, a Vote was stated, Approve of the third Article in the Terms of the above Motion relating thereto, *yea or not.*

But before Voting, the Marquess of *Annandale* gave in a Protest, upon the Foot of his former Resolve presented to this House, and contained in the Minute of the 4th of *November* instant, and craved that the Narrative thereof might be prefixed thereto, and which Narrative and Protest, is as follows, *viz.* "Whereas It evidently appears, since the Printing, Publishing and Considering of the Articles of Treaty now before this House. This Nation, seems Generally averse to this Incorporating Union, in the Terms now before us, as subversive of the Sovereignty, Fundamental Constitution and Claim of Right of this Kingdom, and as threatening Ruine to this Church as by Law Established.

"And since it is plain, that if an Union were agreed to in those Terms by this Parliament, and accepted of by the Parliament of *England*, it would in no sort answer the peaceable and friendly ends proposed by an Union; But would on the contrair create such dismal Distractions and Animosities amongst our selves, and such Jealousies and Mistakes betwixt us and our Neighbours, as would involve these Nations into fatal Breaches and Confusions.

"Therefore I do protest for my self, and in Name of all those who shall adhere to this my Protestation, That an Incorporating Union of the Crown and Kingdom of *Scotland*, with the Crown and Kingdom of *England*, and that both Nations shall be Represented by one and the same Parliament, as contained in the Articles of the Treaty of Union, is contrair to the Honour, Interest, Fundamental Laws and Constitutions of this Kingdom, is a giving up of the Sovereignty, the Birth-Right of the Peers, the Rights and Privileges of the Barons and Burrows, as is contrair to the Claim of Rights, Property and Liberty of the Subjects, and third Act of Her Majesties Parllament 1703, by which it is declared high Treason in any of the Subjects of this Kingdom, to Quarrel, or endeavour by Writting, Malicious and advised Speaking, or other open Act or Deed, to alter or innovate the Claim of Right, or any Article thereof: As also, That the Subjects of this Kingdom, by surrendering their Parliaments and Sovereignty, are deprived of all Security, both with respect to such Rights, as are by the intended Treaty stipulated and agreed, and with respect to such other Rights, both Ecclesiastick and Civil, as are by the same Treaty pretended

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to be reserved to them. And therefore I do protest, that this shall not prejudice the Being of future Scots Parliaments and Conventions within the Kingdom of Scotland at no time coming.

After Reading whereof, he took Instruments thereupon, and it was agreed, That, at calling the Rolls, the Adherers to the above Protest should be so marked; And also, That the hall Members be marked as they shall Vote, Approve or Not, and that a List of their Names, as they shall Vote Pro or Con, shall be printed. And the Lord Chancellor was allowed to have his Name Printed and Recorded as an Approver.

Then the Vote was put, Approve of the Third Article in the Terms of the Motion relating thereto, or not, and it carried Approve.

And the Dukes of Hamilton and Athole, the Earls of Errol, Marischal, Strathmore and Selkirk, the Viscounts of Stormount and Kilsyth, the Lords Salton, Semple, Oliphant, Balmerino, Blantyre, Bargany, Bellhaven, Colvill and Kinnaird, George Lockhart of Carnwath, Sir James Foulis of Collington, Sir John Lauder of Fountainhall, Andrew Fletcher of Saltoun, Sir Robert Sinclair of Longformacus, Mr. Alexander Ferguson of Isle, John Brisbane younger of Bishopstoun, Mr. William Cochran of Kilmaronock, James Grabame of Bucklyvie, Robert Rollo of Powhouse, John Murray of Strowan, James More of Stonywood, John Forbes of Colloden, David Beaton of Balfour, Major Henry Balfour of Dunboog, Mr. Thomas Hope of Rankeilor, Mr. Patrick Lyon of Auchterhouse, Mr. James Carnagie of Phinhaven, David Grabame younger of Fintrie, James Ogilvie younger of Boyn, Alexander Mackenzie of Palgown, Mr. George Mackenzie of Inchcoulter, Alexander Robertson, Walter Stuart, Alexander Watson, Alexander Edgar, James Oswald, Francis Molison, Robert Scot, Robert Kellie, John Hutchison, Archibald Sheills, Mr. John Lyon, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer adhered to the Protest given in by the Marquess of Annandale.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XXII.

"The Parliament were all this while Debating the Generals of the Treaty, and therefore the Debates were also in general: The Work of this Day was not at all debating what Number of Members should be the Proportion of the Parliament, or how, or in what manner they should be chosen, and the like; but whether Britain, as now to be United, should be Represented by one and the same Parliament, yea or no.

"The Debates were very long upon this Head; And as, in other Cases, it had, for some Days, taken up part of their Time, in Reading the long Addresses of Shires, Burghs and

Parishes against the Union ; so, on this Day, there were some very particular ones reserved, and which seemed to be calculated for the Day, in which, according to the Popular Arguments of the Time, the Union was called a Surrendering the Sovereignty of *Scotland* to the *English*.

" I could never indeed see any Schemes offered, or learn that there was any such Proposal, in what manner those that were for reserving the Parliament of *Scotland*, would have formed two separate Parliaments in an United Kingdom ; so that the Debates of this Day were not of what should be, but of what should not be ; and the Uniting the Parliament was objected against, but without offering an Alternative of what they would have in the Room of it.

" The principal Arguments made use of in this Days Debate were,

" 1. That Uniting the Parliament, was actually giving up the Constitution of *Scotland*.

" 2. That it was subjecting *Scotland* to *England*.

" 3. That it was dangerous to the Church of *Scotland*, whose Government was to be subjected to a Parliament of Episcopal Members.

" 4. That it was contrary to the National Oath or Covenant.

" It is not my Design to make Arguments of my own, in order to answer them, or to make this History a Dispute, instead of a Relation of Fact — : But there having been such loud Clamours against the Union in general, and such violent Struggles against it in Parliament, it may not be inconsistent with an History, to relate the Foundation on either side which they acted upon, and as much of the Argument on both sides, either *within* the House or *without*, as is useful to let the Reader into a true Understanding of the Transactions of this Critical Time ; and for this Reason I have divided this Part into the Minutes and Observations, the one is perfectly Historical, the other Explanatory of the Particulars, and I hope I need make no more Apology for the Method.

" 1st, It was alledged, That this Conjunction of Parliaments was a giving up the Constitution ; Or, as it was frequently Worded in their printed Addresses, surrendering the Sovereignty and Independency of *Scotland*.

" It was answered, This was from a Defect in the common Acceptation of the Word *UNION*, as it was now Treating of, and of its full Extent — of the Unions being *CENTRAL* and *UNIVERSAL* ; in which it was alledged, That the Union now Treating of was, in the utmost possible Meaning of the Word, comprehensive of every Good to both ; exclusive of all manner of Preference or Disparity of Parts, abhorring all things In-

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' jurious or Diminishing to either; a full Coalition, a
 ' general Incorporation of Nations, of Interests, of
 ' Power, and of Safety: — A Sameness of Circumstan-
 ' ces and of Sympathies; becoming one and the same
 ' Body, with one and the same Head, Life, Soul, Nutri-
 ' ment, Point and Period; an Union of the very SOUL
 ' OF THE NATION, all its Constitution, Customs,
 ' Trade and Manners, must be blended together, digest-
 ' ed and concocted, for the mutual United, Undistinguish'd
 ' Good, Growth and Health of the one whole United
 ' Body; and that all the Suggestions of subjecting
 ' or surrendering one part to another, were owing
 ' to the want of a right Conception, both of the Terms
 ' and of the Thing designed by the Term UNION.

" It was urged further, That this extended Signification
 ' of the Union excluded all possibility of a Separation of
 ' Interests, or Clashing of Properties, and that mutual
 ' Protection, mutual Increase, mutual Improvements were
 ' the Consequences to be expected, not from this or that
 ' Circumstance, Policy or Management, but from the
 ' Nature of the Thing.

" One may be sure these things were warmly argued within
 ' Doors, when without, the People were in the utmost Fermen-
 ' tation, and the whole Nation seemed as in an Agony, the
 ' Enemies of the Union went about Bemoaning *Scotland*, and
 ' Sighing, as they called it, for the Dying Constitution; and
 ' a Noble Lord within, standing up to make a Speech on this
 ' Occasion, but being stop'd by the Order of the Day, said
 ' Mournfully, It was hard he could not be allowed to speak
 ' one Word for their Dying Country —; These and the like
 ' Speeches had put the People in the last Degree of Concern.

" The Capital Arguments made use of on this Occasion,
 ' and made Popular against the Uniting the Parliaments,
 ' were such as these,

1. That whatever Agreement is now concluded between
 ' the two Kingdoms, will never be binding to the New
 ' Parliament.

" 2. That the two Kingdoms effectually subject them-
 ' selves to the New Parliament, all the Conditions stipu-
 ' lated on either side to the contrary in any wise notwith-
 ' standing.

" To this it was Answered, That the *British* Parliament were
 ' absolutely bound up by the Stipulations of this Treaty; that
 ' they being a subsequent Power to the two respective Parlia-
 ' ments of either Kingdom; had no other or further Power to
 ' act, than was Limited them by the Stipulations of both King-
 ' doms; That all subsequent Power is inferior in its Extent to
 ' the Power which it derives from; That the Parliament of
 ' *Britain* being the Creature of the Union, formed by ex-

‘ preſs Stipulations between the two ſeparate Parliaments of *England & Scotland* cannot but be unalterably bound by the Conditions ſo ſtipulated, and upon which it received its Being, Name and Authority: The Foundation of a *British* Parliament, is this Treaty; to ſay, They will *not* be bound by it, is to ſay, they will pull themſelves up by the Roots: they dye when the Union receives any mortal Wound; they cannot infringe one Article of the Union; they cannot put a Queſtion in the Houſe upon any one Article.

“ As to the Objection, That there was a Surrender of Sovereignty and Conſtitution, and delivering *Scotland* bound Hand and Foot into the abſolute Diſpoſe of the *Engliſh*.

“ This was Answered by way of Queſtion and Answer, among other Things, thus,

“ Q. *What is it conſtitutes the Parliament of Britain?*

“ A. *The Union*. Let any Man give another Answer to it, if he can.

“ Q. *How is it conſtituted?*

“ A. *By Treaty* between two Nations by their Heads and Representatives, viz. the Queen and Parliament of each Kingdom.

“ Q. *How do they bring it to paſs?*

“ A. By mutual altering their reſpective Conſtitutions, and forming one general Conſtitution upon a Treaty of Equalities and Equivalents; the Stipulations of which Treaty are agreed to by the Conſtituent Parts of the ſubſequent Body.

Q. *Upon what Right doth the preſent reſpective Parliaments depend?*

“ A. The Natural Right of the Free-holders of both Kingdoms, which entitles them by the Poſſeſſion of their Lands, to have the free Exerciſe and Power of making the Laws by which they are to be governed.

“ Q. *Does this new Conſtitution deſtroy that Right?*

“ A. Not at all, but reſerving that Right, which indeed it cannot deſtroy, agrees to limit the Exerciſe of it by ſuch and ſuch Forms, and on ſuch and ſuch Conditions, which Conditions are the Limitations of the Power of the new Parliament, as being the Act and Deed of the old Parliaments, whoſe Conſtitution was founded on Original Right.

“ The next Popular Argument, & which took up much of the Debates of this Day, was, That *the Parliament had not a Power to join into this Union*; Or, as it was Worded in the publick Addreſſes, *That tis not in the Power of the Scots Government to conclude ſuch an Union, without a manifeſt Violation of Truſt, and without doing a manifeſt Act of Injuſtice, Oppreſſion and Uſurpation againſt the Fundamental Rights and Liberties of this Free Kingdom*; and this was the Subſtance of moſt of the Addreſſes preſented to the Parliament.

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"This was Answered by Enquiring into the Right Parliaments had to Lessen, Enlarge, or Limit the Representative; of which when the Number of Members comes to be Treated of.

"The last Argument, and which indeed was made more use of without Doors than within, was the Danger to the Church Government of *Scotland*, by the Uniting the Representative; in which it was argued,

"1. That the *British* Parliament being chiefly Composed of Persons of another Communion, might, when ever they pleased, by a Majority of Votes overpowering the *Scots*, Overthrow their Church, introduce Episcopacy, and reduce the Presbyterians to a Toleration, or perhaps worse.

"2. That there being twenty six *English* Bishops sitting in the House of Peers, and who were by this Treaty to continue sitting there; this was subjecting *Scotland* in all its future Laws, to the suffrage of Bishops, and by consenting to the Treaty in which they were Established, it was Recognizing and Establishing Episcopacy, which was to involve the Kingdom of *Scotland* in National Perjury, they being obliged by the National Covenant, never to subject themselves to Episcopacy, but to their power to Reform the Churches of both Kingdoms.

"These Suggestions indeed had but too much Success Abroad, and were the principal Subject of the several Addresses, some of which the Reader may see in the Appendix, as a Sample of the rest.

"The Arguments had their particular Answers, too long to insert here, and are Touch'd in another part of this Work, the general Answer is contained in the former Paragraphs, viz. the Obligation of the future Parliament to the exact Observation of the Treaty, in which the Security of the Church of *Scotland* was particularly provided for, and left Unalterable for ever. A Security so firm as the Church of *Scotland* never enjoyed before from any Civil Government, or Humane Authority in the World.

"As to the Objection about the Covenant, it was indeed mentioned in most of the Addresses, but it was never mentioned in Parliament at all; or at least, not so as to come to any Debate, or to put any Question upon it; and therefore I refer it to its proper place.

"There were several long Speeches made on this Article, some to shew, that it was not in their power to Vote upon it at all, without Consulting Constituents, that the Parliament was a Fundamental of Government, and could not be so much as altered, much less given up—, and that this Treaty was an entire Surrender of the Constitution. It would take up too much Room in this Work, to repeat all the Arguments brought on this Head, or to insert the Speeches that were

'made much more to Collect the Arguments brought by way
'of Answer——; But as the following Speech was made on this
'day, and seems to be a full Answer to the Main of these Ob-
'jections, I could not omit it, as it was spoken by a Gentle-
'man eminently concerned, both in the present Debate, and
'in the Treaty at London.

*A Speech in Parliament spoken by Mr. Seton
junior of Pitmedden November 18 1706,
upon the Subject of the third Article then
being in Debate in the House.*

My Lord Chancellor,

"Having heard with much Attention the third Ar-
'ticle Debated; I find it lyable with the other Articles of
'this Treaty, to be put in a false or true Light by the
'Speakers to it, in proportion to those Notions they have
'of the Nature of this Union: What I am to say con-
'cerning it, shall be to remove some Objections, which
'in my Opinion is the proper Method to smoothe the way
'for approving it.

"The principal Objections are; That the Representa-
'tives for Shires and Burghs, cannot legally approve this
'Article, without the Assent of their Constituents; and
'that by the Approbation of it, the Sovereignty and In-
'dependency of this Kingdom, will be surrendered to
'England.

"My Lord, To give a distinct and convincing Answer
'to the first Objection, let us look a little to the Nature
'of our Constitution of Government.

"Our Government is not a *Polish* Aristocracy, founded
'on *Pacta Conventa*, whereby all the Gentry are Im-
'powered in their particular Meetings, to prescribe Rules
'to their Representatives in a General Dyet.

"Our Government is not a common Democracy, where-
'by every Subject of Scotland may claim a Vote in the
'Legislature.

"Our Government is and has been many Ages past,
'a Limited Monarchy, wherein the Sovereign and Re-
'presentative are the only Judges of every thing which
'does contribute to the Happiness of the Body Politick,
'and from whom no Appeal can legally be made; and
'this Description is agreeable to Reason, to our Law, and
'to our History.

"Reason teaches us, that *Anarchy* is destructive to
'Mankind, and that no Society of People can be well

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‘ Governed without a Supreme Power, whose proceedings
 ‘ are only alterable by it self; *Grotius* says (L. 1. C. 3.
 ‘ §. 7.) That we call the Supreme Power, whose Acts are
 ‘ not subject to the Power of another.

‘ Our Law is positive, that this Supreme Court is subject
 ‘ to no Humane Authority, *Art* 130. P. 8. J. 6. & we learn
 ‘ from our History, that the greatest Alterations have been
 ‘ made in the Constitution of our Government, without
 ‘ Consulting the People: out of which I humbly offer a
 ‘ few Examples: In the Reign of *Kenneth* the 3d the
 ‘ Monarchy that Originally was Elective, became Heredi-
 ‘ tary: In the Reign of *James* 6th the Representation of
 ‘ the Clergy in Parliament was restored: In the Reign of
 ‘ *Charles* the 2d the Prerogative was exalted above its
 ‘ natural Level; and in the year 1698, the King was
 ‘ Dethroned, and the Clergy Expelled this House.

‘ *My Lord*, I have heard asserted, that there are Fundamen-
 ‘ tals of Government which cannot be altered by this House;
 ‘ without the Consent of every *Scotsman*: But where
 ‘ were these stipulated? Where are they Recorded? Were
 ‘ these made by our Forefathers at the first Institution of
 ‘ their Government, and have all succeeding Parliaments
 ‘ Sworn to their Observance? These Questions, Methinks,
 ‘ deserve our Consideration, before it be asserted what is
 ‘ an unalterable Fundamental by this House.

‘ As to the Arguments of Sir *George Mackenzie*, and
 ‘ other eminent Lawyers, brought upon the Stage to sup-
 ‘ port this Notion of Fundamentals; I think they require
 ‘ no particular Answer, because any Member who under-
 ‘ stands the Nature of Government may see clearly, that
 ‘ these Arguments are founded on Roman Laws Cal-
 ‘ culated for People, as Members of private Societies, and
 ‘ not for perpetual Rules to the Supreme Power of any
 ‘ Nation.

‘ In fine, I believe there are no Fundamentals of Go-
 ‘ vernment in any Nation, which are not alterable by its
 ‘ Supreme Power, when the Circumstances of Times re-
 ‘ quire; and whoever is acquainted with History may
 ‘ learn, that there are no People at present in *Europe*,
 ‘ which in different Ages have not suffered variety of
 ‘ Changes in Government. I do indeed acknowledge, there
 ‘ are Fundamentals in Nature, to wit, Liberty and Property,
 ‘ which this House can never destroy, without exceeding
 ‘ its outmost Bounds of Power, that are always limited to
 ‘ the Publick Good; Nevertheless this Honourable House
 ‘ is only capable to Judge of the most proper Means of
 ‘ securing these Fundamentals: And for my part I sin-
 ‘ cerely believe that no judicious Man will say, There is
 ‘ the least danger of our Liberty and Property, by an Uni-

‘on of Parliaments, when he Reflects that the People of
 ‘*England*, have been in all Ages Noble Asserters of the
 ‘Rights of the Subject; have spent much Blood and Trea-
 ‘sure in Defence of the Liberties of their Neighbours, and
 ‘that after this Union, Encroachments on the Rights of
 ‘the Subjects of any part of *Great-Britain*, must endanger
 ‘the Liberty of the whole.

“*My Lord*, I come now to the next Objection, That by
 ‘the Approbation of this Article, we Surrender the So-
 ‘vereignty and Independency of this Kingdom.

“These words I acknowledge are very long, and may
 ‘sound Harmoniously in the Ears of the Populace: for my
 ‘part, I would be sorry just now to have occasion to say,
 ‘that in Fact, our Supremacy and Independency were Sur-
 ‘rendered the day King *James* got possession of the *Eng-
 ‘lish* Throne, if at the same time I could not affirm, that
 ‘these are again restored to us by this Treaty, which was
 ‘managed with a Decorum & Equality, that became two In-
 ‘dependent and distinct Nations; and not after such a Clan-
 ‘destine manner as was used by Queen *Mary* & the *French*,
 ‘the 4th of *April* 1554, on which day our Sovereignty
 ‘was indeed surrendered, as may be seen in the *Recueil de
 ‘Traitez*, &c. P. 510.

“But to put this Question above Controversie, I con-
 ‘ceive two ways only whereby a Free Nation loses its
 ‘Sovereignty and Independency, which are Conquest,
 ‘and a voluntar Surrender of its Rights to another Nation,
 ‘without any Reservation.

“I am sure no person in right Judgment will alledge,
 ‘That this intended Union is a Conquest; Nor can it be
 ‘called a Surrender, seeing the Treaty contains certain and
 ‘distinct Reservations to both Kingdoms: Nor can I
 ‘comprehend how either of two Nations, by an entire
 ‘Union, surrenders its Privileges: on the contrair, I agree
 ‘with the learned *Grotius* (*L. 2. C. 9. §. 9—.*) who’s
 ‘Opinion is, That the Rights and Privileges of two distinct
 ‘Nations United, are consolidated into one, by a mutual
 ‘Communication of them.

“Another Objection, *My Lord*, has been moved against
 ‘this Article, which belongs more properly to the 22d
 ‘Article, and that’s concerning the Number of the Repre-
 ‘sentatives from *Scotland*, to a Parliament of *Great-Britain*.
 ‘This Objection I’ll endeavour to Answer in as few words
 ‘as the Nature of it will allow.

“If both Nations are to be represented by one Parlia-
 ‘ment, there must be Members from both Nations, and
 ‘their Numbers must be adjusted by some Rule, which can
 ‘be no other than that Fundamental in the Union of all
 ‘Societies, whereby Suffrages are computed, to wit, the

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Proportion each Society contributes for the support of the whole: Now, the Union of *Scotland* and *England* is but the Union of two great Societies of People, into one Body Politick; So that we have nothing to direct our Forming a true Notion about the Number of the Representative agreed to by this Treaty, on the part of *Scotland*, but the Proportion we are able to contribute for the support of the Government of *Great-Britain*, and that has respect to the Numbers of our People, to the Extent of our Taxes, or to an Arithmetical proportion betwixt these, and those of *England*; All which being duly considered, I may be bold to Affirm, that the Representative agreed to by the Commissioners for *Scotland*, is more than falls to our Share.

“Several Authors, who have wrote about the Nature of Society, or the Union of two or more Societies, agree to this Fundamental; and *Grotius* (*L. 2. C. 5. § 22.*) has two Examples out of *Strabo* relating to it; One is, When *Lybica* United with Three Neighbouring Cities, It was stipulated, That each of the Three was to have one Voice, but *Lybica* Two, because it contributed much more to the common Benefite, than any of the rest: The other Example is, That there were 23 Cities in *Licia* United, whereof some had three Voices, some two, and some but one.

“*My Lord*, By the Representative of Sixteen for the Nobility, there's no greater Hardship put upon them, than was put upon the small Barons in the Reign of King *James* the First, who then were of the same State with the Nobility, and submitted to the Law for Convenience.

“By the Representative of FourtyFive for the Commons, no prejudice is done to the State of Barons in respect of Representation; for if they be Represented from every Shire, or at least from the most considerable Shires, 'tis of no Import, whether every Shire be Represented by one or more: And as to the State of Burrows, I'll presume to say, That the Retrenchment of their Representation is a Piece of Justice done to this Nation, if Property or Taxes be the Rule of Representation.

“*My Lord*, So far have I endeavoured to Answer the material Objections against this Article, not out of any Prospect to convince the Members against this Union, as to fortifie the Judgments of those for it; And I wish heartily, That the Constituents for Shires and Burghs may have a true Confidence in their Representatives, while they are Accomplishing this Great and Noble Work of an Union of both Kingdoms, especially considering, That they are bound by Oath to give their best

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‘Advices and Suffrages; That they were chosen by themselves in a free Election; That they have their Families and Estates among ‘em; That the same Liberty, Property and Religion are common to ‘em both; And that the Good or Bad Consequences of this Union, must equally affect Representatives and Constituents.

“*THIS SPEECH* was received with great Satisfaction and Applause, and the Arguments in it were so clear, especially as to the Proportions of the Representative, that it was very useful, when that Head came to be debated; and I cannot but think the Reader will think his Time well bestowed in Reading it, in that he will see by it, whether the Union was carryed by Strength of Reasoning, or, as some alledged, cram’d down their Throats by meer Number of Voices.

“The Debates held very long, but at length the Question being proposed, the Vote was carried with the usual Provision, *viz: That it be of no Force if all be not Concluded;* and the dissenting Members protested, as you will see in the Minutes. And so this mighty Case was also Determined.

MINUTE XXIII.

Tuesday 19. November 1706.

*Prayers Said,
Rolls Called,*

The Lord Chancellor acquainted the Parliament, that last Night his Grace Her Majesties High Commissioner, in his Return to the Palace, was Insulted by a Number of People of the meanest Degree with Stones, which was an high Affront both to Her Majesties High Commissioner, and to the Parliament; And therefore moved, that the Parliament may give the necessary Orders, not only to find out such as have been guilty as Actors or Abettors therein, but to prevent the like in time coming; and after some Reasoning on the said Representation and Motion:

It was agreed, to Remit to the Committee Nominate for Examining the Calculation of the Equivalent, to enquire into the Matter of this Insult; And to endeavour to find out the Actors and Abettors, if any be, with Power to the said Committee to promise Indemnities and Rewards for Discoveries, and to Seize and Imprison any Person whom they shall have ground to suspect to be guilty, as Actors or Abettors, & to call for the Magistrates & Neighbours of *Edinburgh* for Information, and to Report to the Parliament, what Information and Discovery they shall make of the said Insult, or of any former. As

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also,

also, to Report their Opinion, what Measures may be proper for preventing the like in time coming, and the Committee appointed to meet the first Interval Day of Parliament at nine of the Clock.

The Parliament did likewise Recommend to the Lord High Constable to prosecute forthwith these Persons, who were Imprisoned on Account of a former Tumult, and ordained the Magistrates of *Edinburgh* to furnish what Probation they can, to the Fiscal of the Constables Court, against such as were so Imprisoned:

Address of the Baillies, Counsellours and Citizens of *St. Andrews*, Subscribers of the same, against an Union with *England*, in the Terms of the Articles, given in and Read.

Thereafter it was moved. That the Parliament proceed to the Fourth Article of Union.

Moved also, That, before proceeding to the Consideration of the Fourth Article, a Clause be added to the Third Article in thir Terms, *And that the said Parliament of Great-Britain shall meet and sit once in Three Years at least, in that Part of Great-Britain now called Scotland.*

And after some Debate thereupon, the Consideration of the said Additional Clause delayed, till the Parliament come to the Twenty Second Article.

Then the Fourth Article of Union was Read, and after some Discourse thereupon, the further Consideration thereof was delayed till the next *Sederunt* of Parliament, and the Consideration thereof to be then resumed previous to all other Business.

Adjourned till Thursday next at Ten of the Clock.

OBSERVATION XXIII.

“ The Affairs of Tumult and Clamour from the Street, I have related in its proper place; yet, as far as it came to be considered in Parliament, I must take notice of it here, but shall be the briefer, referring to what is said elsewhere.

“ The first Rabble had been crush'd for some time, *as has been observed already*, and the Vigilance of the Government had secured the Parliament hitherto; But the Inveterate Fury of the poor ignorant People, imposed upon by the Popular Arguments of the Times, and these enlarged upon by the various Pamphlets and Speeches against the Union, which were spread amongst them, was very hard to be restrained.

“ The Duke of *Queensberry*, the Queens High Commissioner, received divers Affronts in his going to and from the Parliament, tho' his Grace did not think worth his while to trouble the Parliament with it, while it was any thing tolerable; But it was now grown to that Height, That not only the Commissioners Life was in Danger, but the Publick Peace seemed manifestly aimed at, and it was very necessary to put a Check to such Insults, lest the whole might be endangered.

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“ The High Commissioner had received several private
 ‘ Intimations of Designs to assassinate him, and several Letters,
 ‘ some abusive and threatening, others pretending to give him
 ‘ Caution to preserve his Person, others directly pretending to
 ‘ inform of the Designs, the Time when, Manner how, and
 ‘ Weapons by which he was to be Murdered ; whether these
 ‘ were real Designs, or only Attempts to amuse, and perhaps
 ‘ discourage his Grace in the Discharge of his Duty in so
 ‘ weighty a Work, was, I believe, never certainly known: But
 ‘ whoever will calmly consider the Temper of the People at
 ‘ that time, how inflamed by the Artifice of a Party, and how
 ‘ frequently they shew’d their Readiness to have undertaken
 ‘ any Thing, tho’ never so desperate, to have broken off this
 ‘ Affair, will wonder, That no Agent of Satan was found
 ‘ hardned enough to have committed that, or any like sort of
 ‘ Villany.

“ Nor did it seem that there was any thing wanting, but
 ‘ the meer Courage to venture their Lives in such a Bloody
 ‘ Action, since, in the Occasion which was now brought be-
 ‘ fore the House, it appeared there were Stones thrown at the
 ‘ Commissioners Coach from the Tops of Houses, sufficient to
 ‘ have Murdered him, if Providence had not more especially
 ‘ protected both his Person, and the Affair in Hand ; which,
 ‘ had any such Villany been perpetrated, would, most certainly,
 ‘ have all been lost in the necessary Confusions that must have
 ‘ followed.

“ For the Readers particular Information of the Temper and
 ‘ Humour of the People at that time, some of the Threatning
 ‘ Letters sent to his Grace the High Commissioner, are Printed
 ‘ in the Appendix N. G xx. faithfully Transcribed from the
 ‘ Original.

“ As to the manner of the present Insult offered the Com-
 ‘ missioner——, it was thus, Opportunity was taken, upon the
 ‘ length of the Debates that Day, which keeping the House late
 ‘ ——, and the Lord Commissioner being to pass the Streets in
 ‘ the Night, the whole length of the City from the Parliament
 ‘ House to the Palace, the Mob took the opportunity of the
 ‘ Darkness, a Time proper for such Villanies; First they affronted
 ‘ the Guards, and followed them with Curses and Opprobri-
 ‘ ous Words, and their Numbers increasing as they went on,
 ‘ they began to throw Stones at them, which occasioned some
 ‘ little Disorder among the Horses, and this at last encreased to
 ‘ the throwing Stones at the Commissioner himself, one of
 ‘ which narrowly miss’d his Person.

“ The Coachman and Postilion, whether *frighted themselves*,
 ‘ or that the Horses were unruly, drove a little faster than
 ‘ usual down the Street, which put the Guards to a full Trot ;
 ‘ and that heartening the Rabble, as if the Guards had fled
 ‘ from them, they Shouted and continued pursuing them with

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‘ Dirt,

* Dirt, Stones, and such sort of Violence, till they came to the
* Palace, where the Foot Guards received them, and kept off
* the Croud.

“ Every Body will allow, that considers these Circumstances,
* which I was an Eye Witness to, That it was time to put a
* Stop to this Violence, and to restrain a Head-strong Multi-
* tude thus made Bold and Furious, lest they should, *as in such*
* *Cases is not uncommon*, run on to more violent Extremes ;
* and therefore the Lord Commissioner ordered the Lord Chan-
* cellor to Represent it to the House, as in the Vote.

“ The Motion for the Parliament sitting once in Three Years
* was needless, for that indeed it was settled in the Twenty
* Second Article for the First Parliament, and established in
* England by other Laws made there, which were to continue
* in Force by the Treaty.

MINUTE XXIV.

Thursday 21. November 1706.

Prayers said,
Rolls Called;

Address of Heretors, Burgeses, Minister and other Inhabitants in
the Town of Paisley, Subscribers of the same, against an Union with
England in the Terms of the Articles, given in and Read.

The Fourth Article of Union again Read.

Whereupon it was moved to take the several Branches of Trade;
to be communicate, into Consideration, that it may thereby appear
how far the Communication of Trade shall be advantageous; And
after Reasoning thereupon,

The Vote was stated, Approve of the Fourth Article, Reserving
the Consideration of the several Branches of Trade, till the Parlia-
ment come to the subsequent Articles, *yea or not*.

And it was agreed, That the Members shall be Marked, as they
shall Vote Approve or not, and that the List of their Names, as they
shall Vote *pro* or *con*, be Recorded and Printed.

Then the Vote was put *Approve or not*, and it carried *Approve*.

Thereafter the Fifth Article of Union was Read. whereupon a
Proposal was given in for Explaining and Inlarging the same in
these Terms, *That all Ships or Vessels belonging to Her Majesties Sub-
jects of Scotland, at the time of Ratifying the Treaty of Union of the Two
Kingdoms in the Parliament of Scotland, though Foreign Built, shall
be deemed and pass as Ships of the Build of Great-Britain, the Owner,
or where there are more Owners, one or more of the Owners, within twelve
Months after the Union, making Oath, That, at the time of Ratifying
the Treaty of Union in the Parliament of Scotland, the same did, in
bail, or in part, belong to him or them, or to some other Subject or Sub-
jects*

jects in Scotland, to be particularly named with the place of their respective Abodes, and that the same doth them, at the time of the said Deposition, wholly belong to him or them, and that no Foreigner directly or indirectly hath any Share, Part or Interest therein.

Which being Read, it was moved, that six Months more time be added to the time allowed by the Proposal, for purchasing Ships or Vessels : And after some Reasoning thereupon, the further consideration thereof was delayed till next Sederunt of Parliament, to be then Resumed, previous to all other Business.

Adjourned till Saturday next at ten of the Clock.

O B S E R V A T I O N XXIV.

“ This Article being General, but containing several Particulars, it was judged proper to pass it in the gross first, with a Reserve for such Clauses and Branches of Trade, as should come into Consideration afterward ; for otherwise these Branches of Trade would have been foreclosed, by agreeing to this Article in the full Extent of the Words.

“ These Branches came all to be Considered in the Debating other Articles, as particularly, when they came to Examine the Affairs of Drawbacks, Bounties on Exportation, Prohibitions, and Restrictions in Trade, the several Customs, Duties, Equalities and Proportions of Trade ; Of which in their Course.

“ This Reserve, however, made the Article it self pass the more readily at this Time, for it was the first Article after Voting the Generals, that was Branched out into Particulars, and therefore the Adjourning these Particulars was the more acceptable.

“ The Debate of the Fifth Article lay only here, the Treators had Debated about the Time limited for allowing the Ships then in the Hands of the Scots, to be free Ships, the Scots Commissioners would have had it been the Time of Ratifying the Union ; The English Commissioners insisted on it, that it should be the Time of Signing the Treaty ; and the Reasons were good, that otherwise People might buy multitudes of Foreign Ships, and have time to furnish themselves, and pass these Foreign Built Ships as free Bottoms, in the Terms of the Act of Navigation, to the infinite Damage of the whole Island ; And this had the more Force with it, in that it could not but be allowed, that it was the great Advantage of this whole Island, to encourage the Building, and consequently the Employing our own Ships—. However, many popular Arguments were used to lengthen out the Time, such as, That Scotland was not yet in a Condition to Build, and that this would check her Trade, to leave her naked of Ships till she could furnish her self with Materials for Building ; that for

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‘ the Fishing and East-Country Trade, it was absolutely necessary to furnish Foreign Built Ships, till *Scotland* could Build for her self.

“ It was alledged, *England* could furnish Ships, and it was so material a Thing to Encourage the Building, and Increase of our own Shipping, that *England* would insist upon it, and had reason so to do.

“ However, after long Debating, it was agreed, to lengthen the Term to the Ratifying the Treaty ; and this was the first Alteration made in the Articles——; But it was referred to the next day.

MINUTE XXV.

Saturday 23. November 1706.

Prayers said,
Rolls Called,

Then the following Addresses were given in and Read, viz. Address of Heretors and several other Persons in the Barony Paroch of *Glasgow*, Subscribers of the same; Address of Heretors, Magistrates, Town Council and other Inhabitants within the Town and Paroch of *Culross* in *Perth* Shire, and Heretors, Elders and other Inhabitants within the Parochines of *Saline*, *Carnock* and *Torie* in *Fife* Shire, subscribing the same; Address of the Provost, Baillies, Town Council and other Inhabitants of the Burgh of *Stirling* subscribing the same; Address of Barons, Freeholders and others within the Stewartry of *Annandale* subscribing the same; And Address of the Magistrates, Town Council, Guild-brethren, Deacons of Crafts, and other Burgeses Tradesmen and Inhabitants within the Burgh of *Innerkeithing*, subscribers of the same; all against an Union with *England* in the Terms of the Articles.

Thereafter the Fifth Article of Union again Read, with the Proposal for Amending, Explaining and Inlarging the same, insert in the former Days Minutes, and altered thus, viz. *That all Ships or Vessels belonging to Her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Union of the two Kingdoms, in the Parliament of Scotland, the Foreign Built, be deemed and pass as Ships of the Build of Great Britain, the Owners, or where there are more Owners, one or more of the Owners within twelve Months after the first day of May next, making Oath that at the time of Ratifying the Treaty of Union in the Parliament of Scotland, the same did in hail or in part belong to him or them, or to some other Subject or Subjects of Scotland, to be particularly Named, with the place of their respective Abodes, and that the same doth them, at the time of the said Deposition, wholly belong to him*

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or

or them, and that no Foreigner directly or indirectly hath any share, part or interest therein.

And after some Reasoning thereon, there was a second Proposal given in for the amending the Article in these Terms, *That all Ships and Vessels belonging to Her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Union of the two Kingdoms, in the Parliaments of both Kingdoms.*

And after some Debate the Vote was stated, Approve of the first Paragraph of the Fifth Article, with the first Amendment or second; And it carried Approve with the first Amendment.

Thereafter the rest of the said Fifth Article of Union was Read, and a Proposal given in for adding a Clause in these Terms, "That
 ' for the space of seven years from and after the Concluding the
 ' Treaty of Union in both Kingdoms; It is expressly agreed, that
 ' none of the Seamen or Mariners Aboard any of the Ships belong-
 ' ing to the Subjects of that part of United Britain, now called
 ' Scotland, shall either at Home or Abroad be pressed from aboard
 ' their said Ships, to serve in any of Her Majesties Ships of War or
 ' Friggots; And in case after the said seven years, it shall happen
 ' that there be a Levy of Seamen in United Britain, for serving in
 ' the British Fleet, That the said part of United Britain, now cal-
 ' led Scotland, shall only be burdened with such a proportion as our
 ' Taxes bear, in proportion to that part of United Britain, now
 ' called England, but prejudice to the Officers of Her Majesties Ships
 ' or Fleet to engage as many Voluntar Seamen in their service as
 ' they can agree with, in this part of United Britain, and this Ar-
 ' ticle to be unalterable by any subsequent British Parliament.

Which being Read, after some reasoning thereupon, it was put to the Vote, Add the second Clause or not, and it carried not.

Thereafter the rest of the said fifth Article being again Read, the Vote was put, Approve thereof or not, and it carried Approve.

Adjourned till Tuesday next at ten of the Clock.

OBSERVATION XXV.

" The Debate about the admitting the *Scotts* Ships as free Bottoms, was now reassumed, and the Time limited for the Properties to be made out, was altered from the Time of Signing the Articles, to the Time of Ratifying the Treaty.

" The present Dispute was, Whether it should be the Time of Ratifying the Treaty in *Scotland*, or the Ratification in both Kingdoms——, this Article was Disputed by Inches, and some thought, there was more Nicety used here, than was of any Signification; and that therefore it seem'd the effect of a General Struggle against the Union, where every thing was laid hold on, that either might bring on some Alteration they thought *England* could not comply with, or that at least might but cause a Dispute in *England*, or that might so gain
 () time,

time, as to avoid having the thing Completed in the then sitting Parliament.

"It was well known, the *English* would be very tender of their Act of Navigation, which is the Security of their Trade, and the main Encourager of their Shipping, and the longer this Liberty of purchasing Ships from the *Dutch* was extended, the more Room there would be for Exceptions in *England*, their Trade being the more exposed to the bringing in Foreign Bottoms among them:

"And if it be true, as I have seen a Minute made of it in Writing —, That the Party had prepared Schemes of Objections to be offered in the Parliament of *England*, against the very Alterations which they themselves had procured to be made in *Scotland*; If this be true, it will abundantly justify the general Supposition I have so often hinted at, *viz.* That these Objections were rather calculated to delay the Treaty, and overthrow the Union it self, than from any particular Regard had to the Reason and Nature of the Thing objected.

"Nothing else could be the Occasion of such strong Struggles for things in themselves not of any great Advantage to *Scotland*, as in this Case of the Ships, of which, it may be noted, That, after that Matter was settled, it was hardly known, that one ship was bought, either in *Scotland* or *England*, with the Design of making it Free, as was suggested.

"However, after long Debate, the middle Course was taken, and the Time was extended from the Time of Signing the Articles, as it was Agreed in *London*, to the Time of Ratification in the Parliament of *Scotland* —, but not to the Time of Ratification in both Parliaments, as was proposed.

"The last Proposal against Pressing of Seamen, was a manifest Attempt of the kind above mentioned, and a seeking an Occasion to interrupt the main Treaty, since no Body could imagine, That such a Clause could have passed in *England*, all their own Seamen having been lyable to be press'd into the Service of the Navy; And both Nations being to enjoy equal Privileges, this had been to put such a Disadvantage, and such Inequalities upon the *English*, as would have made just Complaints in *England*, and have been a sufficient Obstacle to the whole, especially when it was remembred, that in *Scotland* there was no want of Seamen, but that on the contrary many Thousands of their Seamen, for want of Employment, entered themselves on Board the Men of War in Foreign Service, with the *Danes*, *Swedes*, and *Hollanders*; And it would be hard, That they should seek a Liberty from the *English* Service, which would now be their own; and at the same time, for want of Business, seek Service among Foreigners; it being alledged, That, at this time, there were

' 16000 Scots Sailors in the *Dutch* Service —; This was
' so plain a Case, that the Proposal was rejected, and the Ar-
' ticle pass'd with only the first Amendment.

" And this was the second Alteration in the Articles of the
' Union.

MINUTE XXVI.

Tuesday 26. November 1706.

*Prayers Said,
Rolls Called,*

Then the following Addresses were given in and Read, *viz.*
Address of Barons, Freeholders and others within the Sheriffdom
of *Roxburgh*, Subscribers of the same; Address of the Magistrates,
Town Council and other Inhabitants of the Burgh of *Annan*, sub-
scribing the same; Address of the Magistrates, Town Council
and others Inhabitants of the Burgh of *Lochnabben*, Subscribers of
the same, and an Address of the Paroch of *Lesmabayo*, Subscribers
of the same, all against an Union with *England* in the Terms of
the Articles.

Thereafter, an Overture for an Act for Encouraging the Exporta-
tion of Victual Read, and Ordered to be Printed.

As also, another Overture for an Act for Encouraging the Ex-
port of Victual, Fishes, Beef and Pork was given in, and Ordered
to be Printed.

Thereafter, a Petition and Draught of an Act in Favours of the
Burgh of *Dundee*, for an Imposition of Two Pennies *Scots* upon the
Pint of all Ale and Beer, Brown and Vended within the Bounds,
and for the Ends therein-mentioned, both Read, and a first Read-
ing Ordered to be Marked on the Act.

As also, a Petition of the Magistrates, Town Council and Com-
munity of the Burgh of *Aberdeen*, and a Draught of an Act in their
Favours, for continuing an Imposition on Wine and Ale granted to
them by a former Act, Read, and a first Reading Ordered to be
Marked on the Act.

As also, the following Draughts of Acts were given in and Read,
viz. Act in Favours of the Burgh of *Kirkaldie*, Act in Favours of
the Town of *Borrowstounness*, Act in Favours of the Burgh of *Dysert*,
Act in Favours of the Burgh of *Burntisland*, Act in Favours of the
Burgh of *St. Andrews*, Act in Favours of the Burgh of *Kinghorn*, Act
in Favours of the Burgh of *Elgin*, all for an Imposition of Two Pen-
nies *Scots* upon the Pint of all Ale and Beer to be Brown and Vended
within the respective Bounds, and for the Ends therein-mentioned,
and a first Reading Ordered to be Marked upon each of the saids
Acts.

Then

Then the Sixth Article of Union was Read, and after some Reasoning thereon, there was a Proposal given in for adding the following Clause to the end of the Sixth Article, viz. *Except in so far as shall be Rectified by this Parliament, upon the Consideration of the subsequent Articles.*

Which being Read and Discoursed upon, There was another Proposal given in, for Enlarging and Explaining the said Sixth Article in these Terms, viz. *And being by the Laws of England now standing, there are Rewards granted upon the Exportation of certain kinds of Grain, wherein Oats is not specified, That, from and after the Union, when Oats shall be at Fifteen Shillings per Quarter, or under, There shall be paid Two Shillings and Six Pence for every Quarter of Oat Meal Exported in the Terms of the Laws, whereby Rewards are granted for Exportation of other Grains. And in respect there is a Duty upon Oats Imported into England, but no Duty upon Oat Meal, The Importing of which is a Prejudice and Discouragement to Tillage: Therefore, That, from and after the Union, the Quarter of Oat Meal be deemed equal to three Quarters of Oats, and pay Duty accordingly, when Imported to Scotland from any place whatever beyond the Sea;*

Which being likewise Read, after some further Reasoning, it was moved, That the Observations (in relation to the Balance of the Trade of this Nation) made by the Council of Trade should be laid before the Parliament.

And after Debate thereupon, the further Consideration of the said Sixth Article and Motions was delayed till the next Sederunt of Parliament, to be then resumed previous to all other Business: And Ordered, That the Observations made by the Council of Trade be then laid before the Parliament.

Adjourned, till to Morrow at Ten of the Clock.

OBSERVATION XXVI.

"The Sixth Article of Course began the Debates about Allowances, Drawbacks, Prohibitions and Restrictions, which, as has been observed, were to be equal to all the Subjects —; But Scotland finding some Difference in the Value and Frequency of Import or Export of Grain, they found a Necessity to come into some Amendments here too: The Case was thus,

"England allowed a Bounty to the Exporter of Corn at all times, when the Plenty of Grain kept the Price under such a stated Rate; But it was observed there was no Bounty on the Exportation of Oats, the Reason was, because England rather wanted Oats than had them to spare, one Season with another,

"On the other Hand, Scotland producing vast Quantities of Oats, and having a large Trade for the Exporting the same to Norway, and other Parts, the Scots Members insisted,

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That

‘ That a Drawback should be allowed on Oats and Oat Meal Exported.

‘ “ Another Case also required an Alteration, and this respected *Ireland*, which Bordering on *Scotland*, could and might easily throw in great Quantities of Oats or Oat Meal into *Scotland*, which being cheap in *Ireland*, would lessen the Consumption of the Growth of *Scotland*; There was, it seems, a Prohibition formerly laid on the Importation of Oats or Oat Meal, but this being taken off by the Union, it was requisite to make some Provision, where the *English* Law was defective, which was thus,

‘ “ The *English* had, by Act of Parliament, a Duty of Five Shillings Six Pence *per* Quarter laid upon all Oats Imported, and that they thought was sufficient; But there being no more Duty on Oat Meal than on Oats, it was alledged, That the *Irish* might Import the Oat Meal, and afford to pay the Duty, since it was not above half the Value of the Duty of Oats, the Value of the Meal reducing the Duty.

‘ “ This therefore was provided against by this Additional Clause, which doubled the Duty upon Oat Meal Imported, by reckoning every Quarter of Oat Meal as two Quarters of Oats.

‘ “ The Acts in Favours of the respective Burghs were in order to continue to them the several Impositions on Ale and Wine customary in *Scotland*, or granting them anew, being generally granted for the publick Uses of the Towns, such as building or maintaining publick Edifices, Harbours, &c. Just as has been practised in *England* in the Duties on Coals, as at *London* for building the Churches, at *Yarmouth* for their Pier; or on Ships, as at *Dover* for the Repair of their Harbour, and the like: And this being the last Parliament to sit in *Scotland*, if the Union succeeded, and all private Rights being made perpetual, or to continue to the Times they were Entailed for, this made the Towns the more solicitous to have Acts passed in their Favours at this time; The Excise upon Liquors, payable to private Hands, indeed was a Novelty in *England*, and seemed to be a very odd Request at this time, That while, on one Hand, they should be pleading, that *Scotland* could not pay more Excise on their Liquor than they did before, at the same time they should, on the other Hand, be seeking an Additional Duty to be paid to the Burghs —; But the Duty being so small as two Pennies *Scots*, which is but $\frac{1}{2}$ of a Penny on the Pint *Scots*, which is two Quarts *English*, it was generally agreed to, and principally forth at it was not extended all over the Kingdom, but only in the few Towns, that having publick Trade to support, and chargeable

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• Works to maintain, seem'd to have extraordinary Reasons to
• demand it.

MINUTE XXVII.

Wednesday 27. November 1706.

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Prayers said,
Rolls Called,

Address of Barons, Freeholders and others within the Shire of
Mid-Lotbrian, subscribing the same, against an Union with *England*
in the Terms of the Articles, given in and Read.

The Sixth Article of Union again Read, and a Proposal given in
for adding the Word (*Drawbacks*) to both Clauses of the said Ar-
ticle, which was agreed to.

And the said Article as so amended was again Read, as also the
Proposal mentioned in the Minutes of the last *Sederunt*, in relation
to Oats and Oat-Meal, with the Addition of a further Clause, in these
Terms, *And that the Beer of Scotland have the like Rewards and Draw-*
backs as Barley.

And it was likeways moved that another Clause should be added
thereto, allowing the like *Premium* or *Drawback* on the Exportation
of Oat-Meal, as is allowed on the Exportation of Rye in *England*,
and after Debate thereupon, It was agreed that the sixth Article with
the Proposal for Amendments should be remitted to a Committee.

Thereafter there was a Clause offered to be added to the said sixth
Article in these Terms, *viz.* " But *Scotland* for the space of
• years after the first Day of *May* next, shall be free from, and no ways
• subject to the Prohibition and Restrictions made against Exporting
• of Wooll, Skins with Wooll upon them, and Woollen Yarn, which
• by the Oaths of the Sellers and Buyers shall be made appear to be
• the proper growth and product of *Scotland*, and Spun within the
• same, which shall no ways be comprehended under any of the
• Laws already made in *England*, or to be made during the space fore-
• said.

As also, a Clause in these Terms, *viz.* " Excepting and Reserving
• the Duties upon Export and Import of such particular Commodi-
• ties from which any Persons the Subjects of either Kingdom are
• specially Liberated and Exempted by their private Rights, which
• after the Union are to remain safe and intire to them in all Re-
• spects.

And sicklike, another Clause in these Terms, *viz.* " That after
• the Union all sorts of *Scots* Lining, or any kind of Cloth made of
• Flax or Hemp, be Exported out of the United Kingdom, free of all
• Customs or other Impositions whatsoever.

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And

And another in these Terms, "That before the Union we may have such a *Drawback* adjusted as may enable us to Export Beef and Pork and Butter to the *West Indies* and other Foreign Parts which will be a considerable Branch of our Trade after the Union.

And likewise another Clause in these Terms, "That from and after the Union all Duties or Bounty Tolls, or other Exactions upon black Cattle, or any other Product of *Scotland*, when carried into *England*, or Product of *England* when carried into *Scotland*, payable either to the publick or private Persons, shall in all time coming be void and null.

And another Clause in these Terms, "That from and After the Union, the Kingdom of *Scotland* shall have Liberty for ever to Manufacture Plaiding, Fingrams, Galloway-whites, Sarges, Stockings, and all sorts of Lining, as they have been in use to do, conform to the Regulations contained in their own Laws, and to Export the same to *England* or Dominions and Plantations thereto belonging, or to any other Place beyond Seas, free of any Duty or Impcition whatsoever to be laid thereon, but in case any of the Subjects of that part of United *Britain* now called *Scotland*, shall Export any other sort of Woollen Manufactory than what is above-mentioned, They are to be lyable to the Regulations and Taxes of *England* imposed before the Union, or to be imposed by the *British* Parliament after the Union.

And it was agreed that all the Clauses above insert should be likewise Remitted to a Committee.

Whereupon it was Moved, That the Sixth Article and Proposals and Additional Clauses relating thereto, should be Remitted to the Committee for examining the Calculation of the *Equivalent*, which was agreed to.

Thereafter it was also moved that a further Number of the Members of each State should be added to the said Committee, and thereupon a Vote was put, *Add or not*, and it carried *add*.

Then it was moved, that two of each State be the Number to be added, and likewise moved, that the Number of four of each State be added, and after some Reasoning, it was put to the Vote *Two or Four*, and it carried *Two*, and the next *Sederunt* of Parliament appointed for choising the Additional Members.

Then the Seventh Article of Union was Read, and the Reasoning thereupon delayed till the next *Sederunt* of Parliament, to be then proceeded upon previous to all other Business, after choising of the Additional Members for the Committee.

Adjourned till to Morrow at ten of the Clock.

O B S E R V A T I O N XXVII.

"The Observations upon this days Minutes, will be more properly referred to the time when the Committee to whom the sixth Article was referred, make their Report.

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"The Amendment of (*Drawbacks*) was not scrupled, it was included before in the word *Allowances*, but it was such a Trifle, that no Body would Dispute it, seing it contained nothing but what was intended in the Article it self.

"The Amendments offered were many, and the refering them to a Committee was, *no Question*, the best Method to come to a Settlement in the several Particulars; but this may be observed, and it was remarkable, that such was the Ignorance of the Objectors in these Cases, and so much had they been imposed upon in Matters of Trade, that they Demanded inconsistent and impracticable Things, they demanded Exemption from Imposts which no Body paid, they Demanded Liberty where there were no Prohibitions, and Equalities which were already agreed to.

"For Example, Liberty of Exporting Wooll, a Thing on which the whole *English* Commerce depended, and without a Restraint upon which, all their Manufactures would have been Ruin'd, a Thing Impracticable in the Nature of their Trade, and which it was inconsistent with Reason to expect.

"Then they required Liberty of Exporting Linen Duty free, whereas it was evident, had they consulted the *English* Affairs, they would have found, the *English* gave that Liberty to all the World; And if any Linen was Imported into *England*, whatever Duty it paid there, was allowed back again, upon Exportation by Certificate.

"Next, They demanded Liberty to Export their Woollen Goods free of all Duties and Customs, whereas it was known, *England* had, long since, taken off all Duty or Custom upon their Woollen Manufactures for several Reasons of Trade, and for the Encouragement of the Poor.

"Again they asked Freedom of carrying their Goods & Cattel into *England* without Customs and Toll, which it was evident, without any Provision, was the Consequence of the Union; And there could no more remain any Toll, Custom or Duty, on Passing and Repassing of Cattel or Goods between *England* and *Scotland*, than there could in either Kingdom, from one County to another.

"But this will further appear, when the Report of the Committee comes to be under Consideration.

MINUTE XXVIII.

Thursday 28. November 1706.

Prayers Said,

Rolls Called,

Then the following Addresses were given in and Read, viz. Address of Heretors and others Inhabitants of the Paroch of St. Ninians, Subscribers

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Subscribers of the same, and Address of the Magistrates, Town Council, Burgeses and other Inhabitants of the Burgh of *Dumbar*, subscribing the same, both against an Union with *England* in the Terms of the Articles.

Thereafter the Parliament (conform to the Minutes of the last *Sederunt*) proceeded to Elect the Additional Members to the Committee, to whom the Sixth Article, and Clauses and Proposals relative thereto, are Remitted; And the Three Estates having separated to their usual Places, They Returned, and Reported their respective Elections of the said Additional Members, as follows, *viz.* Of the Nobility, the Earls of *Haddington* and *Cromarty*; Of the Commissioners for Shires, Sir *Gilbert Eliot* of *Minto* and Sir *Thomas Burnet* of *Leyes*; Of the Commissioners for Burghs, Sir *John Areskine* and Sir *Peter Halker*, and the Committee was appointed to meet in the Inner-Session House to Morrow at Nine of the Clock in the Forenoon.

Then the Seventh Article of Union was again Read, and after some Reasoning, a Proposal was made, for an Explanation and Addition, whereby this Nation would be secured against paying more Excise for the Two Penny Ale than they now do, in these Terms, *That the Thirty Four Gallons English Barrel of Beer or Ale, amounting to Twelve Gallons Scots present Measure, sold in Scotland by the Brewer at Nine Shillings Six Pence Sterling, excluding all Duties, and Retailed, including Duties, and the Retailers Profit at Two Pence the Scots Pint, or Eight Part of the Scots Gallon, Be not, after the Union, lyable on Account of the present Excise upon Exciseable Liquors in England, To any higher Imposition than Two Shillings Sterling upon the foresaid Thirty Four Gallons English Barrel, being Twelve Gallons the present Scots Measure.*

And another Clause being likewise offered in these Terms, *And it is hereby specially provided, That the Two Penny Ale or Beer of Scotland shall be only charged with the same Excise as the small Beer of England.*

After some Debate, the Vote was stated, Approve of the Seventh Article, as to the Excise of Ale and Beer, with the Explanation, as contained in the First or Second Clauses above insert, and thereupon the said Clauses being Read,

It was agreed, That the Members shall be Marked as they Vote, and that a List of their Names, as they Vote First or Second, shall be Printed, whereupon the Vote was put, Approve of the Seventh Article, as to the Excise of Ale and Beer, with the Explanation, as contained in the said *First* or *Second* Clauses, and it carried *First*.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XXVIII.

“ The Debate of this Article had made much more Noise
 ‘ out of the House than it did within, some People had in-
 ‘ dustriously alarmed Scotland with an Apprehension, That,
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‘ according to the Words of the Article, *Scotland* was to pay
 ‘ equal Excise with *England*; That is, that as the strong Beer
 ‘ or Ale in *England* paid Four Shillings Nine Pence *per* Barrel,
 ‘ so must the common Beer, then Brewed in *Scotland*, pay the
 ‘ same price; And it was manifest, that this was the Opini-
 ‘ on of several Members of Parliament, by their Speeches on
 ‘ this Occasion in the House, as well as without.

‘ On the other Hand, others pretended to bring all the
 ‘ Ale Brewed then in *Scotland* down to the Denomination of
 ‘ *English* small Beer, as being not sold for more than some of
 ‘ the Table Beer in *England* was sold for, which paid but as
 ‘ small Beer after the Rate of One Shilling Three Pence *per*
 ‘ Barrel.

‘ I shall be very far from offering to make any part of this
 ‘ History Officious, in giving an Account of any mean Share
 ‘ the Author had in this Affair, yet I cannot omit relating
 ‘ this part of the Concern which casually happened to him in
 ‘ this particular; And it may be mentioned for the sake of
 ‘ the Jest it made in the Town, *viz.* That while it was
 ‘ thought well done to have a Share in stating the Proportions
 ‘ of the Excise, several Persons pretended to the Title of being
 ‘ the first Contrivers of it; but when afterwards, on some Cla-
 ‘ mour raised upon the Inequality of the Proportions, the Con-
 ‘ trivers began to be blamed, and a little threatened *a-la-Mob*,
 ‘ then it was *D. F.* made it all, and he was to be Stoned for
 ‘ it; And afterward, when those Differences appearing but
 ‘ Trifles, were by the Prudence of the Commissioner reconciled,
 ‘ then they would willingly have reassumed the Honour of be-
 ‘ ing the first Formers of this Affair.

‘ It was indeed no small Difficulty at first, how to state a
 ‘ *Medium* between the two Nations; It had been laid down
 ‘ as a Maxim, That *Scotland* could, by no means, bear the high
 ‘ Excises paid for their strong Beer in *England*; It was also
 ‘ absolutely necessary to regard doing Justice to *England*, who,
 ‘ paying Four Shillings Nine Pence *per* Barrel Excise, would
 ‘ have had a great Hardship, if *Scotland* should have had all
 ‘ their Beer as *English* small Beer.

‘ Again, the *Scots* Ale which was sold in the Publick Houses,
 ‘ and commonly called *TIPPONT*, was in no Proportion like
 ‘ the *English* strong Beer, either in Price or in Strength, being
 ‘ sold for one Penny the *Chappin*, which was near the *English*
 ‘ Quart, by Retail, after paying a subsequent Excise to the
 ‘ Cities or Burghs, and not one Half, or above one Third
 ‘ as strong as the *English* Ale or strong Beer. Upon this I shall
 ‘ impartially set down the Matter of Fact.

‘ The Author of this being sent for by the Committee of
 ‘ Parliament then sitting, the same to whom the Sixth Article
 ‘ was committed, as is above said, attended them at their Meet-
 ‘ ing in the Lord *Cesnock*’s Chamber; And being called in,

the Committee did him the Honour to tell him, they were informed he had spent some Thoughts on the Affair of the Excises, and that he had made some Calculations; They told him, the Parliament were coming upon the Debate of the Seventh Article, and the great Difficulty before them was, to find out a *Medium* between the *Scots* and the *English* Excise, so as might make it tolerable to *Scotland*, and not give *England* Reason to take Umbrage, or complain of Injustice.

He frankly owned, he thought it would be very hard, and proposed what he had formerly insisted on, *viz.* That the *Scots* Ale or Tippony being sold for no more Money, than the Household or Table Beer in the City of *London*, which is called Eight Shilling Beer, and is often sold for Ten Shillings *per* Barrel, the *Scots* ought also to pay no more.

But the Lord President of the Session objected, That the *English* would never be satisfied with that Payment, as not being a just Proportion; That the Act of Parliament was express, That all Beer above the Price of Six Shillings *per* Barrel should pay as strong Beer; That those kinds of Beer, called Eight Shilling Beer, were generally Mixtures after the Excise was paid; and that the Denomination in *England* being but of two kinds, it would not be possible to place this on either Head, and to leave it to the Method of the Eight Shilling Beer in *London*, would be to lay all *Scotland* at the Mercy of the Excise Officers, which would be unsufferable.

This Discourse put a Thought in the Authors Head just in the Moment, upon which he told their Lordships, he thought a Proportion to both Sides might be formed, taking its Rise from the Price of the Beer, and Value of the Excise in either Kingdom, and that he thought, he could form it for them, so as that it should not grieve either Party.

Upon which their Lordships desired him to try, he took the Pen and Ink, and immediately stated the Case thus,

There are in *England* but two Denominations of Excisable Beer, small and strong.

The small was supposed in the Act at Six Shillings *per* Barrel, and payed One Shilling Three Pence *per* Barrel Excise, which is excluded out of the Six Shillings *per* Barrel.

The strong was supposed at Eighteen or Twenty Shillings *per* Barrel, and payed Four Shillings Nine Pence Excise, which is included in the Eighteen or Twenty Shillings *per* Barrel.

There is in *Scotland* but one Denomination of Excisable Beer, which we call, as above for Use sake, Tippony.

This was sold for about Nine Shillings Six Pence *Sterling* *per* Twelve *Scots* Gallons to the Retailer, and payed Twenty Three Pence *sterling* Duty, which is not included in the Nine Shillings Six Pence.

Note, Twelve *Scots* Gallons was supposed to hold much about the *English* Ale Gauge of Thirty Four Gallons,

lons, there were some Fractions or small Differences,
which the Committee did not Examine into; Of which
by it self.

"Taking then this *English* Excise from Twenty shilling per
Barrel downward to Nine Shillings Six Pence; or from Six
Shillings per Barrel upward to Nine Shillings Six Pence; and
then Calculate the Excise from either of these Extremes,
and the middle seemed to be a just Excise; and this Project
had two happy Circumstances in it, which exactly supplied
the Difficulty.

For Example.

"The Price of the *Scots* strong Beer being Nine Shillings Six-
pence per Barrel *exclusive* of the Excise, and the Price of the
English Beer reckoning it at Twenty Shillings per Barrel inclusive of
the Excise, being Fourteen Shillings Three Pence per Barrel,
exclusive of the Excise, Nine Shillings Sixpence is to Fourteen
Shillings Three pence, as Nineteen to Fourteen Shillings Nine-
pence.

Thus,

"9 *sh.* 6 *d.* *sterling* is Pence 114, the Price of the *Scots* strong
Beer *exclusive* of the Excise.

"14 *sh.* 3. *d.* *sterling* is Pence 171—*Ditto.* of the *English*.

"Two Thirds of 171, which is 14 *sh.* 3 *d.* is 114, which
is 9 *sh.* 6 *d.*

"Two Thirds of 57 Pence, which is 4 *sh.* 9 *d.* is 19 *d.*
which is the *Medium* of Excise this way.

"Again, if you begin at the lowest Rate of the Excise, and
the lowest Price of Beer, and from thence draw the Proporti-
on upward, then Two Shillings the present stated Excise, is
the same to Twelve, as Fifteen Pence is to Six Shil. or so
near it, as they sell the Beer *inclusive*: So that the difference
is of no extraordinary Consequence; For Example,

"Twelve Gallons *Scots* paying Two Shillings Excise, is
sold for Twelve Shilling *sterling* including the Duty.

"One Barrel *English* small Beer, paying One Shilling Three
Pence Excise, is sold at Seven Shillings Six Pence per
Barrel *inclusive* of the Duty.

"Note, Two Shilling is One sixth Part of Twelve Shilling,
and One Shilling Three Pence is One sixth Part of Seven
Shillings Six Pence.

"Thus the Excise of both Kingdoms stands upon the same
Foot, and are an Exact proportion to one another; and ha-
ving drawn a rough Scheme of these Proportions, the Com-
missioners Ordered them to be laid before them, Finished the

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‘ next Morning, which was done; And the Author had the
 ‘ Honour done him to have them Accepted, which was a full
 ‘ Reward to him, and compleatly suited to his Expectations;
 ‘ And they stand in the Treaty of Union in his very Words.

“ This is put down here, not at all to Value the Merit of the
 ‘ Author upon, but however, to do himself Justice against as-
 ‘ suming Pretenders.

“ As to the Mistake between the Brewers and the Excise Of-
 ‘ fice, which fell out afterward in *Edinburgh*, and which some
 ‘ People industriously strove to blow into a Flame, it is
 ‘ explained in its Place.

MINUTE XXIX.

Friday 29. November 1706.

*Prayers said,
 Rolls Called,*

Moved, that the Observations made by the Council of Trade in
 Relation to the Export and Import of this Nation, and a Ballance
 of our Trade be laid before the Committee, to whom the sixth Ar-
 ticle of Union is remitted, and the same was accordingly ordered;
 as also, the Clerks of the said Council of Trade were ordered to
 transmit to the said Committee all Observations, Papers and Re-
 cords relating thereto.

Then the Lord Chancellor acquainted the Parliament, *That the
 Secret Council at their last Meeting, had under their Consideration several
 Accounts of Irregular and Tumultuary Meetings, by some People of the
 common and meanest Degree in Arms, and of Abuses committed by them
 at Glasgow, Stewartry of Kirkcudbright and Dumfreis, and several
 places of Lanerk Shire, and that there were Papers dropt inviting People
 to take up Arms, and to provide Ammunition and Provisions in order to
 their Marching to disturb the Parliament, all which he was directed by the
 Right Honourable the Lords of Her Majesties Secret Council to lay before
 the Parliament, to the effect proper Methods might be resolved upon for
 preventing the evil Consequences of such Practices; and thereafter pre-
 sented a Letter from the Magistrates of Dumfreis to Her Majesties Ad-
 vocat, Bearing an account of the Abuses and Tumultuary Meetings in that
 Place, with a Declaration emitted by those who met, which was affixt on
 the Mercat Cross of Dumfreis, and both were Read.*

Whereupon a Draught of a Proclamation to be emitted by the
 Parliament against all Tumultuary and Irregular Meetings and Convoca-
 tions of the Liedges was presented and Read, and after some Discourse
 thereupon, it being objected, *That it did not appear that there was a
 particular Information of any Tumultuary Meetings or Irregular Convo-
 cations in any other part of the Shire of Lanerk than at Glasgow.*

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Her Majesties high Commissioner was thereupon pleased to notify to the Parliament, *That he had Information not only from Glasgow and Dumfries, but also from several places in Lanerk Shire of Tumultuary and Irregular Meetings of men under Arms, and of their giving out and publishing their design of marching to disturb the Parliament.*

Thereafter the Draught of the Proclamation was again Read, and after Reasoning thereupon, and some Amendments, a Vote was stated, *Approve of the Proclamation or not.*

And before Voting, it was agreed, that the Members shall be marked as they Vote, and that the List of their Names as they Vote *pro* or *con* shall be Printed and Recorded, and the Lord Chancellor allowed to have his Name Printed and Recorded as an Approver, and the Proclamation as Amended being again Read over.

The Vote was put, *Approve or not*, and it carried *Approve.*

Thereafter the Draught of an Act suspending the effect of that Clause in the Act of Security for *Arming and Exercising the fencible Men*, past in the second Session of this current Parliament, and that during this Session of Parliament allannerly, Read, and a first Reading ordered to be marked thereon.

Adjourned till to Morrow at ten of the Clock.

OBSERVATION XXIX.

“The Affair of the Rabbles in the Country came now before the Parliament, for things were come to that Height in the Country, that it was no longer to be Tampered with; The Party who opposed the Union had so far prevailed upon the People, that they began to break all Bounds; at *Dumfries* the Articles of the Union were burnt at the Market Cross, by a Number of People in Arms, tho’ they were not near so many as was Reported at *Edinburgh*, where they industriously enlarged those Reports, to Intimidate the Party that was for the Union, and, *if possible*, to set the Mob in *Edinburgh* to Work again; But the Guards there did their Duty so effectually, that there was no more Appearance in the Street, tho’ loud Threatnings were made of it.

“As to the Burning the Articles, it was true, That a Number of People being got together, did publickly burn the Articles of the Union, as concluded at *London*, with the List of the Names of the Commissioners of the Treaty, and did affix a Paper upon the Cross of *Dumfries*, which they called, *Reasons for and Designs in Burning the Articles, &c.* after having read the said Paper from the Cross.

“This Paper was afterwards printed, and the Printer being ordered to be apprehended, fled for it till the first Heat was over, and then he appeared again, and was not questioned for it.

“The Copy of the said Paper is added in the *Appendix* to this Work, N°. E x.

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“ But it is to be noted, That whereas the Paper mentions
 ‘ Squadrons of Foot and Horse, and the Report was of
 ‘ 5000 and 7000 People, 5000 in Arms that entered the Town,
 ‘ and 7000 in the Hills to support them — ; It was all Ru-
 ‘ mour, the most that appeared in this Action being about
 ‘ 200, and these in no sort of Military Order or Equipage, as
 ‘ I have noted before.

“ Yet was this Disorder improved to a great Height, and
 ‘ particularly as it was improved to make the Government ap-
 ‘ prehend, the Western People were resolved to concern them-
 ‘ selves in this Affair, and to take Arms against the Govern-
 ‘ ment ; The Parliament was very sensible of this, and being
 ‘ very loth to have any Force made use of, they tryed all the
 ‘ Methods possible, by Proclamations, and publick Repealing
 ‘ the Licence for Mustering, to take away all Opportunity of
 ‘ Assembling together, by which the People might be drawn
 ‘ into the Snare.

“ It is observable, That even, in the House, there appeared
 ‘ some, who were very loth to have these Rabbles discourag-
 ‘ ed and discountenanced ; And tho I could give more par-
 ‘ ticular Instances of it, yet this of Objecting against the Cer-
 ‘ tainty of the Accounts, viz. *That it did not appear, that*
 ‘ *there was a particular Information of any Tumultuary Meetings,*
 ‘ *or Irregular Convocations ;* This, I say, is a clear Proof of it, for
 ‘ these Objectors were openly against preventing the Mustering
 ‘ or Assembling the Lieges according to the Act of Security, and
 ‘ gave this Suggestion, viz. *Want of Information* for a Reason,
 ‘ whereas the Matter of Fact was, That the Lord Commissio-
 ‘ ner had real and direct Information of this Affair of *Dumfries,*
 ‘ and of private Emisseries gone abroad to excite the People
 ‘ to take Arms, and the respective Meetings of these Agents or
 ‘ Emisseries in the County of *Lanerk,* and elsewhere, more than
 ‘ sufficient to justify the Precautions mentioned in the Minute.

“ Upon this Debate the Proclamation was Voted, and the
 ‘ Act of Security, so far as it concerned this Case, was repealed,
 ‘ which had various Effects in several parts of the Country, in
 ‘ some places it really crush’d and prevented their assembling,
 ‘ at *Glasgow* it irritated and provoked them, and made them
 ‘ more Furious than before — ; But generally it had a very
 ‘ good Effect, for it took away the pretence which any of the
 ‘ Lairds or Heads of Clans might have had before, to have ap-
 ‘ peared with the People in Arms, and under the pretence
 ‘ whereof, they might have been exonerated in Law, while an
 ‘ Act of Parliament was in Force to protect them, for no Man
 ‘ could say, if a Gentleman gathered 100 or 500 Men together,
 ‘ that he had any ill Design, and tho’ he Arm’d them and
 ‘ Train’d them, and kept them together, he could not be
 ‘ accused for any Crime, because the Law allowed him to do so,

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‘ under pretence of Arming and Disciplining the Fencible
‘ Men, as Authorized by the Act of Security.

“ This appeared therefore so necessary at this Time, That
‘ a Proposal was immediately brought in to Repeal that part
‘ of the Act of Security, at least to Suspend it for a Time ;
‘ There was great Opposition made to this Proposal, and abun-
‘ dance of Speeches made Applauding the Act of Security,
‘ how difficultly it was obtained, and how much of the Liber-
‘ ty of *Scotland* depended upon it — ; But the Motion be-
‘ ing seconded with the Necessity of the Time, and the Causes
‘ as above, and withal the Proposal being made to extend it
‘ only to the Time of the present Session of Parliament, as per
‘ the Vote, it admitted the less Opposition.

MINUTE XXX.

Saturday 30. November 1706.

Prayers Said,
Rolls Called,

Address of the Magistrates and Town Council of the Burgh of
Air, for such Rectifications of the Articles of Union, and such Eases
of Duties and publick Taxes, as are most agreeable to the Circum-
stances of this Nation, given in and Read.

Address of Heretors and others, Inhabitants of the Town and
Paroch of *Burntisland*, Subscribers of the same, against an Union
with *England* in the Terms of the Articles, given in and Read.

Thereafter the Act suspending the Effect of a Clause, as to Arming
and Exercising the Country in the Act of Security, past in the second
Session of this current Parliament again Read, and after some Rea-
soning thereupon, and some Amendments, the Act as amended
was again Read.

Then the Vote was put, *Approve of the Act or not*, and it carried
Approve, and was touched with the Scepter by Her Majesties High
Commissioner in the usual manner, under the Title of *Act against all
Musters and Rendezvous during the present Session of Parliament*.

And the said Act and the Proclamation mentioned in the Minutes
of the last *Sederunt* were ordered to be furthwith Published & Printed.

Thereafter the Seventh Article of Union was again Read, and
after Reasoning upon that part thereof not formerly approven, it
was put to the Vote, *Approve of the said Seventh Article or not*, and
it carried *Approve*.

A Print was then given in, Intituled, *An Account of the Burning
of the Articles of Union at Dumtreis*, bearing the Declaration Read,
and affixt at the Mercat Cross thereof by the Tumult assembled on
that Occasion ; and it being moved, *That Inquiry shall be made who*

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has been the Printer and Ingiver of the said Scurrilous Paper, and that the Print be Burnt by the Hand of the Hangman.

It was Remitted to the Committee, to whom the Sixth Article of Union is Remitted, to call for the Magistrates of *Edinburgh*, and to take Tryal and make Inquiry anent the Printer and Ingiver of the said Paper.

Ordered also, That the said Scurrilous Print be Burn'd by the Hand of the Common Hangman at the Mercat Cross of *Edinburgh* upon *Monday* next betwixt Eleven and Twelve of the Clock, and the Magistrates of *Edinburgh* appointed to see the Order punctually executed.

Then the Eight Article of Union was Read, and Remitted to the Committee, to whom the Sixth Article is Remitted.

Act for Adjourning the Session till the first Day of *January* next, Read, and a Clause was offered to be subjoyned thereto, in these Terms; *And further, Her Majesty, with Advice and Consent foresaid, Statutes and Ordinains, That the Session, which is Appointed to Rise the last Day of February next, be continued to sit, for Administration of Justice to the Liedges, from the said day to the last day of March 1707 years inclusive.*

Which being Read, the Consideration of the said Clause delayed till the Act be again Read, and a first Reading was Ordered to be marked on the Act.

Thereafter it was intimate to all such Members, as gave in any Overtures or Clauses (relating to the Sixth Article of Union) to attend the Committee next *Sederunt*.

Adjourned till Tuesday next at Ten of the Clock.

OBSERVATION XXX.

"The Debates of this Day were principally taken up about Repealing the Clause of the Act of Security anent Arming & Exercising as before, and great Struggles were made to preserve the Clause, but it look'd so like Abetting the Tumults which were now in their Height, that no Man could speak heartily to it, for all Men pretended, at least, to disowne the Design of Rabbling the Parliament, and breaking up their Consultations by Tumults and Violence, but yet, as far as they could drive it, they opposed this Vote.

"At last it was carried, and the Act was touched, and is printed in that part of this Work, Intituled, *Of the carrying on the Treaty in Scotland, Folio 74.*

"The Paper about Burning the Articles at *Dumfries* was now censur'd, and the Printer, kept out of the way some time, but no Proceedings were made on it, only that the Paper was burnt by the Hangman according to the Order.

"The Difficulties of the Sixth, Seventh and Eighth Articles, being generally respecting Taxes, Excises, Salt, Exportations and Importations, &c. of Trade; were referred to the Committee

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mittee to settle, and shall be spoken to as they came again before the House.

"It is to be observed, among the great Croud of Addressees that had been brought into the House, one of this day from the Burgh of *Air*, differed from the Generality, and was not as others, *against an Union with England in the Terms of the Articles*; But was for *Rectification of the Articles, and Ease of Taxes*; This had some seeming Softness in it, and appeared more reasonable than the other, and the Parliament seem'd Generally Inclined to enter upon Rectifications and Ease of Taxes, and the References to the Committee were with that Prospect; the Difficulty lay how to Regulate and so Govern the said Regulations, as to make them equal to both Kingdoms, Reasonable in *Scotland* to Ask, and Reasonable in *England* to Comply with, that so the Poor might, as far as possible, be Eased, the Circumstances of both Kingdoms be Considered, and *England* not be Imposed upon, for they were not Ignorant that there were Vigilant Endeavours at Work, to obtain such Amendments as *England* should stick at, and as might, at least, occasion the Treaty to be sent back to *Scotland* for further Amendments; and then they would be able to raise such further Difficulties, that the Time might Expire upon their hands, and then the whole Work had been to do over again.

MINUTE XXXI.

Tuesday 3. December 1706.

Prayers said,
Rolls Called,

Then the following Addressees were given in and Read, *viz.* Address of the Merchants, Deacons, Trades and other Inhabitants of the Burgh of *Air* subscribers of the same; Address of Barons, Freeholders, Heretors and others of the Four Parochins of *Glenkens* in the Shire of *Galloway* subscribing the same; and Address of the Magistrates, Town-Council, Burgeses and Inhabitants of the Burgh of *New Galloway* subscribers of the same, all against an Union with *England* in the Terms of the Articles.

Thereafter the *Act adjourning the Session till the first of January next* was again Read, as also the Clause continuing the sitting thereof from the last of *February* till the last day of *March* next inclusive, insert in the Minutes of the last Sederunt, and after debate, it was put to the Vote, *Add the Clause or not*, and it carried *Add*.

And the Clause being added, The Vote was put, *Approve the Act or not*, and it carried *Approve*.

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Agreed

Ordered, That the Council of Trade do meet and give in their Observations as to Export and Import, and Ballance of Trade, to the Committee to whom the Sixth and Eighth Articles are Remitted, and that betwixt and the next *Sederunt* of the said Committee.

Then the Ninth Article of Union was Read, and after Reasoning thereon it was moved, That Six Months Cess shall be the *Quota* of the Tax to be Imposed on *Scotland*, in place of Eight Months agreed to by the said Article, and after debate thereupon,

A Vote was stated *Approve of the Ninth Article or not.*

And thereupon a second state of a Vote was offered, *viz. Whether Six Months Cess or Eight Months Cess should be the Quota of the Tax to be charged on Scotland.*

Then the Vote was put, *Which of the two should be the state of the Vote, First or Second,* and it carried *First.*

Whereupon it was put to the Vote, *Approve of the said Ninth Article or not,* and it carried *Approve.*

Thereafter the Tenth, Eleventh, Twelfth and Thirteenth Articles of Union were all severally Read, and were separately Voted and Approven.

The Fourteenth Article of Union Read, and the Consideration thereof delayed till next *Sederunt*, to be then proceeded upon, previous to all other Business.

.Act adjourning the Session to the first day of *January* next, and continuing the sitting thereof from the last of *February* till the last day of *March* next *inclusive*, Touched with the Scepter by Her Majesties high Commissioner in the usual manner.

Adjourned till Thursday next at Ten of the Clock.

OBSERVATION XXXI.

“ The Ninth of the Articles of the Union, could admit of
 ‘ no Debate, but whether the Eight Months Cess agreed to be
 ‘ the Proportion of *Scotland*, to the Land Tax of Four Shillings
 ‘ per Pound upon Rent in *England*, were founded upon a true
 ‘ Scale of Equalities : I have already stated this Question in the
 ‘ Observations on the Minutes of the Treaty at *London*, and
 ‘ need not repeat them ; but observe, that the Proposal now
 ‘ made of Six Months Cess, to the *English* Two Million Land-
 ‘ Tax, had no Arguments at all to support it, that could be
 ‘ made good by just Proportions, neither were there any
 ‘ Schemes offered to the House, to Form any other Proportions
 ‘ from, or to prove any thing of Equalities upon ; So the
 ‘ making this Offer produced no other Effect, than the bare
 ‘ reciting the several Calculates and Proportions upon which
 ‘ the other was Formed, and which had been approved in the
 ‘ Treaty at *London*, and upon an Easy Examination, they ap-
 ‘ peared so Just, that nothing could be offered of any real
 () Weight,

Weight, to move the Parliament to alter it ; So this Clause
past with small Difficulty.

"The Tenth, Eleventh, Twelfth, Thirteenth Articles required no Debate, consisting only of Exemptions to Scotland from several Duties and Taxes paid in England, which could not be Extended to Scotland, such as Stamp Paper, which in Scotland could not consist with the Methods of the Law, nor be born in Trade; or the Window Lights, which was Determined not to be continued in England, and the Coal and Culm, which according to the Method of that Tax in England, did not reach to the Coal in Scotland, other than such as should be carried into England, or Exported into Foreign parts, which were expressly provided for in the Clause, in these words, *That Scotland shall be charged with the same Duties as in England, for all Coal, Culm, and Cynders not consumed in Scotland* : As to the Malt Tax in England, which was the Thirteenth Article, it was Temporary, and could not Extend to Scotland without a new Law, and that was provided against in the next Article.

MINUTE XXXII.

Thursday 5. December 1706.

Prayers Said,
Rolls Called,

The Parliament was then acquainted, That the Report of the Committee anent the Calculation of the Equivalent remitted to them was ready, and in the Clerks Hands, and that all Persons concerned may see the same and grounds whereupon it proceeds, before the Report be brought in to the Parliament.

Thereafter the Fourteenth Article of Union was again Read, and an Amendment and Addition thereto was offered in these Terms, *And that the part of the United Kingdom, now called Scotland, shall not in all time coming be charged with any Malt Tax, or any other Customs, Excises, Taxes or any other Burdens or Duties than these consented to in this Treaty.*

And after some Reasoning upon the first part of the said Clause in Relation to the Malt-Tax, It was proposed, That the Amendment should be in these Terms, with this further Provision, *That any Malt to be made and consumed within that part of the United Kingdom, now called Scotland, shall not be charged with any Imposition on Malt during this present War.*

And after some further Debate; The Vote was stated, *Whether the Exemption from any Imposition on Malt shall be Temporary or Perpetual.*

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Then the Vote was put, *Whether the Exemption shall be Temporary or Perpetual*, and it carried *Temporary*.

Thereafter it was proposed, That the Exemption shall be during this present War.

It was also proposed, That the Exemption shall be for a longer Time.

And after Debate thereon, The Vote was stated, *Whether the Exemption from any Imposition on Malt shall be during this present War, or for a longer time*, and it carried *during this present War*.

Then the Article as Amended was again Read, and the further Consideration thereof delayed till next *Sederunt* of Parliament, to be then proceeded upon previous to all other Business.

Adjourned till to Morrow at Ten a Clock.

O B S E R V A T I O N XXXII.

“The Affair of the Malt-Tax came upon the Stage, in the Debate of the Fourteenth Article, because it was but a Temporary Tax in *England*; and therefore was to be Considered amongst these Things, which the Parliament of *Great Britain* might hereafter lay Taxes upon.

“The Treators had Acquiesced in a Supposition offered in *England* in these Words, *That the Parliament of Great-Britain could not be supposed to lay any sorts of Burdens upon the United Kingdom, but what they shall find of Necessity at that time for the Preservation and Good of the whole and with due Regard to the Circumstances and Abilities of every part of the United Kingdom*; Therefore it is agreed, that there be no further Exemption insisted upon for any part of the *United Kingdom*, but that the Consideration of any Exemptions beyond what are already agreed on in this Treaty shall be left to the Determination of the Parliament of *Great-Britain*; Upon this Account they did not insist upon Exemptions of Duties any further, than the said Duties were then Extended in *England*. But People were now come a greater length, and they did not care to Trust the *British* Parliament so far——; They had encouraged all manner of Jealousies of the *British* Parliament, the People had received no Notions, but of *Scotlands* being always Opprest by them, both in Civil and Religious Concerns: And that therefore nothing was to be left to them. That the *British* Parliament was to be Fenced against as a declared Enemy, and the Representatives of *Scotland* being like to be but a Few, *viz. Forty Five* to Five Hundred and Thirteen, they were to be Crushed by Number, Outvoted and Disregarded in every Thing relating to *Scotland*.

“There is no more Wonder to be made, that they were for making every Thing secure, and settling it to Points and Punctilios, who had entertain'd such Notions as these; The Malt-Tax therefore being acknowledged Insupportable in *Scotland*

land, and the Treaters having Determined it so, and Exempted *Scotland* from it, for as long Time as it was now in Force in *England*, the Parliament building upon that Supposition, resolve to Determine the time of the Exemption, that they may be sure of it.

"It was moved very briskly, That *Scotland* should for ever be Exempt from it; but that went not far, as appears in the Vote, some were for a certain Term of years, some for an Exemption during the War, others for a certain Number of years after the War.

"The Exemption during the War, seem'd the most rational, because it was known, that the Tax upon Malt was a Temporary Tax, given but upon the Emergence of the War, and as the Gentry of *England* were with difficulty brought to submit to it, so they were not Easie under it, and would never suffer it to continue after the War, having for that End given it but from year to year, that it might not be entangled with Anticipations, or appropriated to Payments that should continue it; And therefore to Exempt *Scotland* during the War, was a total Exemption in its kind, and seem'd sufficient—; This was Opposed a little, but as being a Point gain'd, those who sought the Regulation of Conditions only, came freely into it, and so it pass'd.

MINUTE XXXIII.

Friday 6. December 1706.

Prayers said,
Rolls Called,

The Fourteenth Article of Union as amended again Read, as also the Clause offered to be added to the said Article, insert in the Minutes of the last *Sederunt*, as to the Exemption from any other Customs, Excises, Taxes, or any other Burdens or Duties, than those consented to in this Treaty.

There were two States of a Vote propos'd, the first in these Terms, *Approve of the Article as amended or not*, and the Second in these Terms, *Approve or Amend*.

And before Voting it was agreed, That the Members shall be marked as they shall Vote in both Votes, and that the List of their Names shall be Recorded and Printed accordingly.

Then it was put to the Vote, which of the two shall be the State of the Vote, First or Second, and it carried *First*.

Thereafter the Vote was put, *Approve of the Article as amended or not*, and it carried *Approve*.

Adjourned till to Morrow at Ten of the Clock.

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OBSER.

O B S E R V A T I O N XXXIII.

“ The Debate of this Day run only upon the Affair mentioned before, *viz.* Whether they should depend upon the *British* Parliament maintaining a just and equal Regard to the Good of the whole United Island after the Union, and that they would have Respect to the Circumstances of every part in their laying on Taxes, or whether they should pin them down in all time coming, that no other Burdens or Taxes should be laid on, than those already mentioned.

“ The Supposition of the Parliament of *Britains* being partial against *Scotland*, and the Representatives of *Scotland* being few, being oppress'd and out-voted, as I have noted already, tho' it was a Popular Notion, and improved to an extravagant Height without Doors, yet it had not obtained so, as to be owned in the Parliament, nor indeed could any Man, with just Reason, have supposed such a thing; And therefore, to offer at a positive Limitation on the Parliament of *Britain*, seemed to have something in it very harsh.

“ Again it was alledged, That, to Limit the Parliament of *Britain*, not to lay on any other Customs, Excises, Taxes, Duties or Burdens, than those consented to in this Act, was to take away the Power from the People of *Britain*, to conform their Affairs even to their own Circumstances, since the Time might come, when some of these Duties might become burdensome, that now were not so, and others, which now would be burdensome, might be more for the Publick Service; but to ty the Parliament down absolutely as in this Clause, would be to Limit them from making Alterations in the Publick Taxes, tho' apparently for the Publick Advantage, and would in effect take from them that Power, for which they were really constituted, *viz.* To Dispose the Peoples Purfes, and Redress their Grievances.

“ It was long Argued, That the Parliament ought to be Limited in this Case, because of the Danger there was of *Scotland* being burdened with Intolerable Taxes, and of the present Circumstances of *Scotland* which were allowed to be unable to bear them; That under the pretence of Alteration of Taxes, Oppressive Duties might be laid upon *Scotland*, which, tho' they might be tolerable in *England*, were not so here, and they ought to provide against them.

“ But it was Resolved at last into this, That all future Contingencies must be left to a *British* Parliament, and the Words of the Articles contained a sufficient Reason for so doing, *viz.* It could not be supposed, That the Parliament of Great-Britain will ever lay any sorts of Burdens upon the United Kingdom, but what they shall find of Necessity, at that time, for the Preservation and Good of the whole, and with due Regard to the Circumstances

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‘*circumstances and Abilities of every part of the United Kingdom;*
 ‘*Therefore it is Agreed, That there be no further Exemption insist-*
 ‘*ed upon for any part of the United Kingdom, but that the*
 ‘*Consideration of any Exemptions, beyond what are already agreed*
 ‘*on in this Treaty, shall be left to the Determination of the Parlia-*
 ‘*ment of Great-Britain.*

“And thus, with some Difficulty, the Clause was pass’d,
 ‘without any further Amendment.

MINUTE XXXIV.

Saturday 7. December 1706.

Prayers Said,

Rolls Called,

The Fifteenth Article of Union Read, and thereafter the first Clause or Paragraph thereof again read; As also the Report brought in from the Committee for Examining the Calculation of the Equivalent being as follows; The Committee of Parliament, to whom the considering of the Calculation of the Equivalent was remitted, having considered the Report made to them by Doctor *James Gregory* Professor of the Mathematicks in the Colledge of *Edinburgh*, and the Report made by Doctor *Thomas Bowar* Professor of the Mathematicks in the Colledge of *Aberdeen*, of their several and respective Examinations of the Calcul, and Grounds thereof, whereupon the Commissioners, in Treating the Article for establishing the Equivalent, did proceed, and also having considered the Report of the Sub-committee thereanent, they find, That the Computation of the Equivalent mentioned in the Article is just, and that the Calcul is exact, and well founded in the Terms, and in Manner expressed in the said Article.

Whereupon it was proposed, to delay the Consideration of the said Fifteenth Article, until Reports be brought in, in Relation to the Sixth and Eighth Articles, from the Committee, to whom the said Articles are remitted.

And after Debate thereon, it was agreed, That the proceeding on the Fifteenth Article shall not be understood to be any Determination of the Sixth or Eighth Articles that stand committed; But that the Reasoning and Voting on the Sixth and Eighth Articles shall be intire.

Then a State of a Vote was offered in these Terms; *Approve of the first Paragraph of the Fifteenth Article, or Not.*

But it being moved, That the Parliament first consider, whether we shall be concerned in the payment of the *English* Debts: A second State was thereupon offered, whether we shall ingage in the payment of the Debts of *England, Teu, or Not.*

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And after some Reasoning thereon, it was put to the Vote, which of the two should be the State of the Vote, *First*, or *Second*.

And before Voting, it was agreed, That the Members Votes shall be marked, and that a List of their Names, as they shall Vote, shall be Printed and Recorded.

And the Lord Beilhaven gave in a Protest, as follows: *I do Protest in my own Name, and in the Name of all those who do adhere to this my Protest, That the Voting and Agreeing to the first Clause of the Fifteenth Article of the Treaty of Union, doth no ways infer any manner of Consent or Agreement, That Scotland should be lyable to the English Debt in general, but that it may be lawful to object against any Branch of the said Debt not already determined:* And he took Instruments thereupon, and the Duke of Hamilton, the Earl of Selkirk, the Lord Saltoun, Andrew Fletcher of Saltoun, Sir Humphrey Colquhoun of Luss, David Bethun of Balfour, Major Henry Balfour of Dunboig, Mr. Thomas Hope of Rankeilior, Alexander Watson, and Mr. Robert Frazer, adhered thereto.

Then the Vote was put, *First*, or *Second*, and it carried *First*.

Thereafter it was put to the Vote, *Approve of the first Clause or Paragraph of the Fifteenth Article, or not*, and it carried *Approve*.

Her Majesties High Commissioner, and the Estates of Parliament, did recommend the Persons imployed in the Calculation of the Equivalent by the Committee, to whom the Examining thereof was remitted, to the Lords of Her Majesties Thesaury, for a Gratification for their Pains.

Adjourned till Tuesday next at Ten of the Clock.

OBSERVATION XXXIV.

" They were now come to the great Article of the Equivalent; It had been offered at in the Article, and by Consent referred to a Committee, which Committee had spent a great deal of Time upon it, had Examined all the Calculations made by the Clerks imployed in London during the Treaty, had cast up the Interests, and the Valuation of Years, to reduce every Annual payment upon ready Money, upon equal Rebates & Allowances, and their Report was now brought in, by which it appears, That the Calculations made in England were very just, so that no Objection lay against that part of the Work.

" The first Question then was, Why Scotland should concern it self in paying Englands Debts at all, and on this Head it is necessary to be something large, since the Learned Debates on this Head filled the whole Nation, and the Opposers of the Union advanced abundance of Objections against the very Thing called an Equivalent, in the first place, as needless and impertinent; That England should pay its own Debts, and keep her own Money, and the like; That, to make Scotland

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pay Taxes, and then give her an Equivalent, was doing nothing as to Equalities, for that tho' it might be an Equality, Nationally speaking, it had no Personal Justice or Equality at all, since the private Persons that should pay it, would never receive any Equivalent for the Injury they received.

"Some Answers to this I shall set down here, as they were argued in the House, and after made publick by an Honourable Member of the Parliament, now Baron of the Exchequer in Scotland, Mr. Clark of Pennycook.

"1. That no Communication of the Trade of *England* can be given to the Subjects of *Scotland*, unless we are satisfied to pay equal Customs and Duties upon Export and Import, and equal Excises. The Reason is plain, for otherwise the Merchants residing in *Scotland*, would be put in a Condition to Ruine the whole Trade of *England*.

"2. That an Equality of Excises in both Kingdoms, is as necessary as an Equality of Customs, for not only all immediate Burdens on Trade are to be regarded, but even these things which Affect and Influence Trade.

"3. That tho' a Federal Union was Practicable between the two kingdoms (as I believe it is not) yet even by that Union, we behoved to undergo the Burden of equal Customs and Excises, otherwise there could be no Communication of Trade.

"4. That a great part of the English Customs and Excises is appropriated towards Payment of their Debts; so that the paying of the English Debts, and the paying of equal Customs and Excises, are almost reciprocal Terms to signify one and the same thing, or otherwise, that these Customs and Excises payed after the Union, will be appropriated towards paying our own Debts, which is the same, as shall more fully appear hereafter.

"5. That these Debts (being after the Union, to be called *The Debts of Great-Britain*) are so necessary and inevitable Burdens on *Scotland*, that neither by an Incorporating or Federal Union with *England*, can *Scotland* be free of 'em, since as is said before, they are included and wrapped up in the very Notion of equal Customs and Excises.

"From these Positions it follows, That since under all sorts of Union whatsoever, with a Communication of Trade, we must be Subjected to equal Customs and Excises, and that a great part of these is applyed towards Payment of the Debts of *England*, therefore in common Justice, a Provision behoved to be made to *Scotland*, for re-imburfing what we shall be charged on the Score of these Debts, which by this Article of the Treaty, is called *An Equivalent*.

"This Equivalent is so Contrived and Adjusted, that thereby we cannot properly look on our selves as engaged

‘in the *English* Debts, for no Man can be properly said to
 ‘pay a Debt for another, when the Money is either advan-
 ‘ced before hand to the Payer, or at furthest, the next Mo-
 ‘ment after it is payed out, which will be *Scotlands*
 ‘Case.

It was evident that a Communication of Trade was the In-
 ‘terest of *Scotland*, and was the clearest Advantage on the
 ‘*Scots* side, and most Unexceptionable in the whole Treaty ;
 ‘It was impossible this Communication of Trade could be E-
 ‘stablished, and could be entirely Free, unless an Equality of
 ‘Customs, Excises, and of all sorts of Payments were settled
 ‘at the same Time ; So that these People who were so back-
 ‘ward to come into the *English* Debts, were leading into a Re-
 ‘jecting the only Advantage, which they themselves acknow-
 ‘ledged was to be had by the Union.

“The Equality of Excises and Customs being thus absolute-
 ‘ly necessary, the *English* Debts came to be concerned, be-
 ‘cause the Customs and Excises of *England* being appropri-
 ‘ated as Funds to pay the Interests of Annuities, and such In-
 ‘cumbrances, the same Duties in *Scotland* would of course run
 ‘in the same Channel, come into the same Charge, and
 ‘under the same Incumbrances, as it could not be otherwise,
 ‘without running Things into all manner of Confusion.

“The Treaters in *London* had been convinc’d of this, and
 ‘therefore readily came into it, demanding an Equivalent to
 ‘*Scotland*, suited to so much of the *Scots* Revenue, as should be
 ‘so appropriated to the payment of the *English* Debts.

“But it was the hardest Thing in the World, to make the
 ‘People in *Scotland* apprehend it—— ; Not but that those
 ‘who were more immediately concern’d in the Debating it,
 ‘understood it well enough ; But it serv’d as a Handle to Rally
 ‘the Union, & the Thing being rendred as Intricate to the com-
 ‘mon People as possible, that they might be the more moved
 ‘to Oppose it ; These Ignorantly running away with a Noti-
 ‘on, that *Scotland* was to pay the *English* Debts, began to Rage
 ‘at the Treaters again, and cry out, *They were Sold and Betray-*
 ‘*ed* ; to tell them of an Equivalent, was to say nothing, and
 ‘as, many did not understand it, so they that did, would not
 ‘seem to understand it ; the very Word became Proverbial,
 ‘and was the Jest of Conversation, till the Aversion to it ren-
 ‘red it in a manner Contemptible. To bring *Scotland* in to
 ‘pay the *English* Debts ! What was not *Scotland* Poor enough
 ‘already ? Was this the Advantage of the Union ! It could
 ‘not be suffered, and the Treaters had Betrayed them : Such
 ‘Discourse as this was the Subject of the common Peoples Con-
 ‘versation, and the Answering them with the story of an E-
 ‘quivalent to be paid them, was to tell them something which
 ‘they neither understood, nor entered into the Examination
 ‘of.

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“It would be very hard to describe, how this kind of Discourse irritated the poor People, and how they were imposed upon in the daily Accounts spread of this new Wonder, called *The Equivalent*, of which Calculations were made publick, representing, That in a year *Scotland* would Repay all the Money advanced from *England*, by the increase of Customs and Excises, & so after that Rate, notwithstanding of the Equivalent, *Scotland* would be drawn into an Entail of Taxes for an Hundred Years, to clear off the vast Debt of Twenty Millions, which *England* was now liable to.

“I shall have occasion to Answer this in a subsequent Observation. But I can not but Note, That by a due Calculation laid before the Parliament, it was made very plain, That *England* would be so far from being Re-imburs’d in a Year, as above, that reckoning the common Interest of the Money advanced in the Equivalent, with the *Medium* of Years in which great part of the Duties the other People had Calculated from, was to Expire, the Equivalent Advanced in Money to *Scotland* would not be Re-pay’d in Ninety Years.

“Yet was not all this able to Allay the Prejudices of the People, at the Affair of paying the *English* Debt, which they run away with so eagerly, and so universally Raged against, that had not the Rabbles been in good time Crush’d before, and that so effectually, that they could not begin again, it was thought this very thing would have Influenced them to a more dangerous Degree than any thing.

“But this was offer’d by degrees, the Work of this Day was only to Debate the first Clause, viz. Whether *Scotland* should be intirely free from the *English* Debts, or whether they should come in to the Appropriations of the *English* Duties, accepting of an Equivalent, and after a very Warm Debate, the Case was carried, as by the Minute.

MINUTE XXXV.

Tuesday 10. December 1706.

Prayers said,

Rolls Called,

Address of Heretors and Commons of the Town and Paroch of *Douglas* subscribing the same, and Address of Parochioners of *Carmichael* and *Pesmuir*, subscribers of the same, both against an Union with *England* in the Terms of the Articles were given in and Read.

The Sixth Article of Union again Read, as also a Report of the Committee to whom the same was Remitted in the Terms follow-

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ing, viz. The Committee of Parliament appointed for considering the Sixth Article of the Treaty of Union and Proposals made in Parliament relative thereto, having considered the Clause under-written, anent the Premiums and Rewards for Exporting of *Viñual*, are of Opinion, that the Clause after-mentioned be added to the Article of Union, whereof the Tenor follows, Viz. *And seing by the Laws of England, notwithstanding there are Rewards granted upon the Exportation of certain kinds of Grain, wherein Oats Grinded or Ungrinded are not specified, That from and after the Union when Oats shall be at Fifteen shilling Sterling per Quarter or under, there shall be payed Two shilling and Six pence Sterling for every Quarter of the Oat Meal Exported in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grains, and that the Bear of Scotland have the same Rewards as Barley.*

And upon a Motion, That the Præmium to be allowed should be higher, after a long debate thereon, it was put to the Vote, *Approve of the Report or alter, and it carried Approve.*

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XXXV.

“The Committee to whom the several Articles about Trade were refer’d, began now to make their Reports, and beginning with the Sixth Article concerning Equalities of Allowances and Encouragements, they made their Report about the Allowances on Exporting *Viñual*, by which is understood Corn only, which is commonly called *Viñual* in Scotland.

“The Allowance here offered by the Committee, was on these Considerations, It had been used in *England* to give a Bounty or Allowance on the Exportation of Grain, to Encourage the Merchant to Export it, being a sure Rule in Trade, that all the meer Product of the Earth which can be spared and Exported Abroad, over and above the necessary Consumption of the Nation, is clear Gain to the publick Stock.

“But Oats in *England* had no Allowance or Bounty on the Exportation, because it was generally supposed, That *England* had never any Quantity of Oats to spare more than they Consumed among themselves, but were rather alwise ready to Buy Oats from Abroad, than to Export them.

“On the other hand, Oats being the principal kind of Grain Sowed in *Scotland*, it was equally necessary to Encourage the Exporting of Oats, as it was to Encourage the Exporting of Wheat in *England*.

“But this was Answered, by telling them, that there was no need of proposing a Bounty upon the Exportation of Oats, for that *England* would always take off what ever Quantity of Oats they would part with, and to offer a Bounty for Exportation of that Abroad, which was really wanted at Home,

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* was Absurd, contrary to the Rules of Trade, and the
 * Nature of the Thing. Further it was offered, That should a
 * Bounty be offer'd on the Exportation of Oats, the Out-ports
 * in England, who now supply London, lying ready for the Trade
 * to Holland and Flanders, would send all their Oats Abroad, and
 * London would not be supplied but upon dear Rates.

" These Arguments prevailed with the Committee as to
 * Oats, but there being a very Gainful Trade carried on from
 * Scotland to Norway for Oat-Meal, which it was worth while
 * to encourage, as a Trade that Generally brought into Scotland
 * a great deal of Bullion, and Money in specie, the Committee
 * thought fit to place a Bounty upon the Exportation of the
 * Oat-Meal, as per the Vote, and the state of the Time when
 * the said Bounty should be paid being fix'd, when Oats shall
 * be no higher than Fifteen Shillings per Quarter, there could be
 * no danger, that the greatness of the Export should Influence
 * the Market at London, so as to make Oats Scarce or Dear,
 * since after they came to Fifteen Shillings per Quarter, no Boun-
 * ty Money could be demanded.

" This was founded upon so just a Calculation of Equalities
 * in Trade, that it met with no Opposition in the Parliament.

MINUTE XXXVI.

Wednesday 11. December 1706.

Prayers Said,
 Rolls Called,

Then the following Addresses were given in and read, viz. Ad-
 dres of the Presbytery of *Dumblain*, subscribing the same; Ad-
 dres of the Presbytery of *Hamilton*, subscribing the same; Ad-
 dres of the Inhabitants of the Parochins of *Caputh*, *Lethendy*, *Alyth*
 and *Kinloch* in *Perth-shire*, Subscribers of the same; Address of
 the Inhabitants of the Parochins of *Errol*, *Kilspindie*, *Kinnaird*,
Inchture, *Longforgan*, *St. Madoes* and *Kinfauns* in *Perth shire*, sub-
 scribing the same; Address of Heretors, the Minister, Elders and
 Heads of Families in the Paroch of *Logie*, Subscribers of the same;
 And Address of the Parochins of *Airth*, *Larbert*, *Dunipace* and *Den-
 ny*, subscribing the same; all against an Union with *England* in
 the Terms of the Articles.

Thereafter a Proposal given in for a further Addition to the Sixth
 Article, in these Terms, viz. And that there be likewise a Proemium
 allowed for the Exportation of Oats proportionally with the Meal, Compt-
 ing Three Bolls of Oats to one Quarter of Meal; so that the Premium
 may be Ten Shilling Scots for every Boll of Oats Exported.

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Which being read, after debate thereupon, it was put to the Vote, *Allow a Præmium on the Exportation of Oats, or not?* and it carried *not*.

Then a second Report of the Committee, to whom the Sixth Article is remitted, was brought in, and read in these Terms; *The Committee of Parliament appointed for considering the Sixth Article of the Treaty of Union, and Proposals made in Parliament relative thereto; Having Considered the Clause under written, are of Opinion, That it should be added to the Articles of Union as follows; And in respect the Importation of Victual into Scotland from any place beyond Sea would prove a Discouragement to Tillage; Therefore, That the Prohibition, as now in Force by the Law of Scotland, against Importation of Victual from Ireland, or any other place beyond Sea into Scotland, do, after the Union, remain in the same Force, as now it is.*

And after some Reasoning, it was proposed to add to the above Report the subsequent Clause, *viz. Until more proper and effectual ways be provided by the Parliament of Great-Britain, for discouraging the Importation of the said Victual from beyond Sea:* And after some further Reasoning, the said second Report was agreed to, And it was put to the Vote, *Add the above Clause to the said Report, or not,* and it carried *Add*.

Thereafter an Overture for an Act for Additional Premiums on Exportation of Victual, to commence the first of February, and to end the last of April both next to come *inclusive*, given in and read; And agreed, That the same be taken into Consideration immediately after the Reports relating to the Sixth Article of Union.

Then a Third Report brought in from the said Committee was read in these Terms; *The Committee of Parliament appointed for considering the Sixth Article of the Treaty of Union, and Proposals made in Parliament relative thereto; Having considered the Clause mentioned in the Twenty Seventh Days Minutes, anent the Making and Exporting of Plaiding, Fingrams, Galloway-whites, Sarges, Stockings, and all sorts of Linen to England, Dominions and Plantations thereof, or any part beyond Sea, free of any Duty or Imposition; and having considered the English Acts of Parliament relative therunto, particularly the 32 Act primo Gulielmi & Mariae, and the Twenty Act Gul. undecimo & duodecimo, in regard there appears to be no Restraint at present, regulating the way and manner of making English Woollen Cloaths and others to be Exported, and that all the Woollen Manufactures are declared to be free of Duty and Imposition whatsoever at Exporting, and that, by the said Sixth Article of the Treaty of Union, all parts of the United Kingdom are to have the same Allowances and Encouragements; Therefore the Committee are of Opinion, That the adding the foresaid Clause to the Articles of Treaty is unnecessary.*

And after Debate the Vote was put, *Approve of the said Third Report, or not;* and it carried *Approve*.

Thereafter a Fourth Report was brought in from the said Committee, and read in these Terms, *viz. The Committee, to whom the*
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Consideration of the Sixth Article of Union, and Proposals made in Parliament relative thereto, are Remitted; Having considered that Clause mentioned in the Twenty Seventh Days Minutes; That, after the Union, all sorts of Scots Linen, or any kind of Cloath made of Flax or Hemp, be Exported out of the United Kingdom free of all Customs or Impositions whatsoever; After full Reasoning on the said Clause, the Committee are of Opinion, That the adding of the said Clause to the Articles of the Treaty of Union is unnecessary, the English Duty on Linen being only Sixpence Sterling on the Fourty English Ells.

And after Debate thereon, a Vote was stated, Approve of the said Fourth Report of the Committee, or Alter; and it carried Approve.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XXXVI.

“Notwithstanding what was argued in the Committee, which I have noted above, and at which I was present, having had the Occasion to make several of these Calculations for the Service of the said Committee: Some Gentlemen in the Parliament insisted upon the allowing a Drawback or Bounty Money upon Exportation of Oats; but when the same Reasons mentioned above, which had been argued in the Committee, came to be offered in full Parliament, it was so convincing, that they soon acquiesc'd, and so it was carryed without, as *per* the Minute.

“The subsequent Reports of the Committee mentioned in this Days Minutes, seemed only to add the Authority of the Committees Examinations to what had before been offered in Publick, *viz.* That, after the Union, the Exportation of Linen and Woollen Manufactures would be free, and the several Manufactures be under no Restraint or Regulations, but that either in Transporting them to *England*, or Exporting them to Foreign Parts, all was open and free by the Union.

“And this Report of the Committee was a full Proof of what I have all along alledged, *viz.* That the Common People of *Scotland* were intolerably imposed upon, in the Accounts spread abroad relating especially to Trade, and in this in particular, *viz.* That the *Scots* Woollen and Linen Manufacture would be subjected to several Restrictions and Regulations in *England*, which could not be complied with.

“This was grounded upon an Office in *England*, granted by Patent some Years since, which was called the Aulnage, which amounted to no more, than putting a Seal and demanding a Fee upon every parcel of Woollen Manufactures brought to *London*, under pretence of Viewing if they were Marketable; But this Duty or Fee being a very small Trifle, and the Power of Inspecting found deficient, it was of no Force at all, and therefore, upon the Committees Examining this, they saw no Ground of Objection.

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“ The next Objection was about Exportation, and here it is observable, That the Opposers of the Union had not only suggested, but openly printed, and exposed about the Streets such Absurdities as these, That the *Scots* Linen would not be admitted into *England*, but a great Duty would be laid upon it to gratifie the *Dutch*; That great Duties were to be paid upon both Linen and Woollen Manufactures on their Exportation, and the like. Now it was very happy, that these things came to be Considered and Examined by a Committee.

“ For now it was evident,

1. That no Duty could be laid on the Transporting any Linen or Woollen Goods from *Scotland* to *England*, which were the Growth or Manufacture of *Scotland*, the Article of Communication of Trade having effectually taken off all Impositions between the Counties or Shires of all *Great-Britain* equally to all.

“ 2. As to the Duty on Woollen Goods, there never was any Duty paid Outward, but what was called the Old Subsidy of Tonnage and Poundage, which was Five *per Cent.* which had been effectually taken off, & that Act Repealed in the Act of Parliament mentioned in the Report, and no Duty at all was paid on any Woollen Manufacture whatever Exported out of *England*, and by Consequence could not be out of *Scotland*.

“ 3. All Linen Cloth was so free, That the Duty on Cloth Imported to *England* from Foreign Parts, was all drawn back by Certificate on the Exporting it again, in order to encourage the said Exportation, and for Linen Exported made in *Britain*, it was so small a Trifle paid, *viz.* Sixpence on Fourty Ells, that it was not worth notice.

“ This Report of the Committee put a great Stop to the Clamours, that had been so loud upon the Article of Trade; and when this Vote was made publick, the People began to see they were imposed upon, and that these things in *England* were misrepresented.

MINUTE XXXVII.

Thursday 12. December 1706.

Prayers Said,
Rolls Called,

Ordered, That a Scurrilous Print, Intituled, *Queries to the Presbyterian Noblemen, Barons, Burgessees, Ministers and Commoners in Scotland, who are for the Scheme of an Incorporating Union with England, according to the Articles agreed upon by the Commissioners of both Nations,*

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ons, be Burnt by the Hand of the common Hangman at the Market Cross of *Edinburgh* to Morrow, betwixt Eleven and Twelve of the Clock, and the Magistrates of *Edinburgh* appointed to see the same punctually done.

And Remitted to the Committee of Parliament, to whom the Sixth and Eighth Articles of Union are Remitted, to make Enquiry anent the Printer, Author and In-giver of the said Scurrilous Paper.

A Fifth Report was then brought in from the Committee, to whom the Sixth Article of Union is remitted, & Read in these Terms, 'The Committee of Parliament appointed for considering the Sixth Article of Union and Proposals made in Parliament relative thereto, having considered the Clause under-written, are of Opinion, that it should be added to the Article of Union as follows, Excepting and reserving the Duties upon Export and Import of such particular Commodities from which any Persons the Subjects of either Kingdom, are specially Liberated and Exempted by their private Rights, which after the Union are to remain Safe and Entire to them in all Respects as before the same; and after some Reasoning, it was put to the Vote, *Approve of the said Fifth Report or not*, and it carried *Approve*.

A Sixth Report brought in from the said Committee was Read in these Terms, "The Committee are also of Opinion, That there be a Clause added to the Articles of Union in these Terms, *viz.* That from and after the Union, no *Scots* Cattle carried into *England*, shall be lyable to any other Duties, either on the publick or private Accounts, than these Duties to which the Cattle of *England* are or shall be lyable, within the said Kingdom.

And a Vote was stated, *Approve of the said Sixth Report or not*, and it carried *Approve*.

A Seventh Report was brought in from the said Committee, and was Read in these Terms, "The Committee having considered the Clause mentioned in the Twenty Seventh Days Minutes which was desired to be added to the Articles of Union, *viz.* That *Scotland* shall be free from and no ways subject to the Prohibitions against Exporting of Wooll, Sheep and Lambs Skins with Wooll upon them, and Woollen Yarn, for the space therein mentioned, after full Reasoning thereanent, The Committee are of Opinion, that the foresaid Clause ought not to added to the Articles of the Treaty, but that the Exporting of Wooll, Sheep and Lambs Skins with Wooll upon them, and Woollen Yarn, ought to be under the same Prohibitions as in *England*.

And after Reasoning a state of a Vote was offered, "Approve of the said seventh Report of the Committee as to all except Mort Lambs Skins, and Remit to the said Committee to receive Overtures for Encouragement of Wooll Masters and Woollen Manufactures *Yea or Not*.

After some Reasoning, it was proposed, that a *Premium* be given upon Exportation of coarse Cloth made of Tarr'd Wooll, for encouragement of the Wooll Masters.

And thereafter a Resolve was offered in these Terms, Resolved, 'That there shall be an Encouragement provided to the Heretors of Wool Countries, in case the Report of the Committee *anent the Exportation of Wooll &c.* be Approven.

And after some Reasoning, a Propofal was given in for adding a Clause in these Terms; 'And for Remeiding the loss Wooll-masters 'may suffer, and for Encouraging the Manufacturing of Tarr'd 'Wooll within the Kingdom, and to prevent effectually the Exporting thereof, It is provided and declared, That for the space of 'seven years after the Union, when the Tarr'd Wooll within the 'Shires of *Roxburgh, Selkirk and Tweeddale*, is at four pound *Scots* or 'under for the stone Weight, Fifteen shilling *Scots*, shall be payed 'of *Premium* for every stone Weight of Tarr'd Wooll, to every 'Wooll-master, who within a Moneth after the said Tarr'd Wooll 'is Clipped or Shorn off the Sheep, shall by his own Oath or the 'Oaths of two habile Witneffes, before any Judge Ordinar, make 'appear that the Number of Stones of Tarr'd Wooll specified in the 'said Oaths were truly and really Clipt and Shorn from Sheep in *Scotland*, properly belonging to the Persons mentioned in the said 'Oaths; and which *Premium* shall be payed the next Collector of 'Cels, Excises or Customs, upon delivering to them the foresaid 'Depositions Signed by the Deponents, and Judge foresaid, with a 'Receipt of the Money, and the said Collectors and each of them 'shall be personally lyable for the said *Premium*, upon Instruments 'taken against them in case of Refusal, and the foresaid Depositions and Receipts shall be allowed to the said Collectors as an Exoneration in their Accompts *pro tanto*.

And after some further Debate, that the said seventh Report be Remitted back to the Committee, with the several Propofals made thereanent, a second state was offered for a Vote in these Terms, *Approve of the said Seventh Report of the Committee, or Remit the same and Propofals thereanent back to the Committee.*

After Debate, which of the Two should be the state of the Vote, whether First or Second, it was put to the Vote *First or Second*, and it carried *First*.

Thereafter the Vote was put *Approve of the Seventh Report of the Committee as to all, except Mort Lambs Skins, and Remit to the said Committee to receive Overtures for Encouragement of the Wooll-masters and Woollen-manufacture, or Not*: And it carried *Approve* in the Terms of the state.

Petition of *John Henry Huguetan* and his Factor, craving to be Naturalized, and also craving a Protection, Read, and the consideration thereof delayed till the first *Sederunt* of Parliament on private Business to be then taken into consideration next after the Act in favours of the Burgh of *Dundee*.

The Committee appointed to meet in the usual place to morrow at Nine of the Clock.

Adjourned till Monday next at Ten of the Clock.

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OBSERVATION XXXVII.

“ There was a Clause in the Treaty for the reserving all private Rights, &c. as per the 20th Article; Now some of these private Rights amounted to Exemption from certain Customs & Excises, as particular Privileges to this or that Place or Person, as at Glasgow for Encouragement of their Sugar-works, they are Exempted from paying any Excise for the Spirits they Distill from the Melasses, Bottoms, Scummings, &c. and so in several Towns they were Exempted from such and such Customs—; These were of necessity to be Exempted, because by another Article as above, private Rights on both sides were to be preserved.

“ Now, as this was for Scotland on one hand, so it was for England on another, for the City of Carlisle and the Family of Sir Christopher Musgrave had an ancient Right of taking Toll of all the Cattel which passed from Scotland to England, over such Passes or Bridges as they had the Lordship of, and these by private Rights were actually reserved.

“ But the Committee having demanded here the taking away the Toll, payed as above, the private Right on the English side ceased; So that what seem'd solid and confirm'd by the Union in one part, was yet Invaded and taken away by another— But to Reconcile this Matter, the Parliament of England Interposed, and when some People thought they had now brought their Affair to a Head, and that now the Treaty must break, behold, a Medium was found out in England, viz. That the Parliament in England Bought these private Rights of the City of Carlisle and of the Family of Sir Christopher Musgrave, and giving them an Equivalent for them; they Acquiesced, and all ways were laid open for all manner of Scots or English Goods to Pass and Repass without any Toll, Stoppage, or Interruption, whether Cattle or Corn, or any other kind of Goods except such as (Scotland being Exempted from the Taxes of in this Treaty for a Time,) were not to be carried into England during that Limited Time, or if they were carried in, were lyable to the English Duties as soon as they came into England, such as Salt, Coals, Malt, Fish Cur'd with Scots Salt, &c. As is more particularly Explained hereafter.

“ Thus the private Rights in Scotland were preserved intire, according to the Treaty, and in England also, for if they were Invaded by the Treaty, the Subject had such satisfaction given him in Money, as that he appeared willing to Resign those Rights—, as the City of Carlisle for instance, who, I think, had Two Thousand Five Hundred Pound Sterling given them, for parting with the Right of Toll upon Scots Cattle, &c.

“ In this exact Equality, the Sixth Report of the Committee about *Scots Cattle*, became as it were settled ; but it was Objected, That the Parliament might hereafter lay on a particular Tax upon the *Scots Cattle* passing into *England*, either in Favours of the *Irish Cattle*, or upon any other subsequent Occasion which could not be foreseen ; And therefore, the sending Lean Cattle from *Scotland* into *England*, being such a considerable Article to *Scotland*, and on which the Estates of the Northern Gentry did almost wholly depend, all their Rents being paid them in Cattle, for which they had no other Vent or Market but their being sent into *England*, and that any Tax or Toll being hereafter laid on them, might intirely put a stop to it, and consequently Impair, and almost Ruine the Estates of the Gentry and Nobility of *Scotland* ; On this Consideration, it was thought fit by the Committee, to secure *Scotland* effectually from so much as a Jealousie or Uneasiness about it, by making it a Part of the Union, That *From and after the Union, no Scots Cattle carried into England shall be liable to any other Duties either publick or private than the Cattle of England*. This was again an Article of Equality, for the Case was, not to Exempt the *Scots Cattle* intirely from any Tax, which the United Parliament might think fit to lay on Cattle in General, if ever the Article of General Excises so much talk'd of in *England*, should be offered at ; but to bring the *Scots Cattle* upon a Level with all the rest of the Cattle in *England* ; and to provide that *Scots Cattle, Qua Scots Cattle*, should be under no particular National Disadvantage—; And this was thought Reasonable on every side.

“ The Seventh Report of the Committee requires some Explication on several Accounts—, It was true, and no Question was to be made of it, That *Scotland* having then an open Trade with *France* without Restriction, and that their Wooll was under no Prohibition at all, but freely Exported to *France*, or any other Part of the World, and that this Liberty being by the Union to be absolutely and intirely Restrained, the Prices of Wooll in *Scotland* would of course very much Fall, and the Gentlemen of the South and West Parts of *Scotland*, such as in *Roxburgh Shire, Selkirk, Tweeddale, and Galloway*, whose Estates very much consisted in the Product of their Sheep, would receive a very sensible Blow by it ; Tho' it was remarkable that some People was for giving all *Britain* a worse Blow, to prevent the Injury done to those Countries, *viz.* To allow Exporting the Wooll, and some Warm Debates were upon this Head.

“ To Explain this, it was to be Enquired into, under what kind of Influence, and by whose Management the Trade of *Scotland* was at first laid open, and the Exporting of Wooll permitted in General ; This as it produc'd no Effect, but the ripping up old Sores, and reviving Personal and Party Reflections

'fections, I shall let Fall. But this was certain, That whoever
 'were the the Occasion of it, the Shipping off the Wooll from
 'Scotland, was very Injurious to the publick Advantage of
 'Scotland, a Mortal Wound given to the Industry of the Peo-
 'ple, discouraging all Attempts of Manufacturing among them,
 'which they were now coming into, and which their Neigh-
 'bours of England had so much been Enriched by: It was ap-
 'parent, That the small Exportation they formerly had of
 'coarse Woollen Manufactures to Sweden and the Baltick, was
 'now almost brought to a full Stop, and the Swedes on the con-
 'trary took their Wooll from Scotland, which they had not
 'been used to do, by which it was apparent, they having the
 'Wooll, made the Manufactures themselves, and this was a
 'dead Loss to Scotland, just so much as the Employment and
 'Labour of their Poor amounted to.

" From this part of National Ill Husbandry, no Body could
 'be supposed to receive any Benefit, except the Exporter and
 'the Wooll Master, so they call the Gentlemen of Galloway,
 'Roxburgh Shire, &c. whose Estates are very much depend-
 'ing upon Sheep.

" This being the Occasion of the Rising the Prices of their
 'Wooll, and their Advantage being thus begun in the Error
 'and Injury of their Country, it seemed to be no National
 'Affair to make good the Loss that was supposed now to hap-
 'pen by the Union, which was indeed but reducing Things to
 'where they were before, and taking away that Advantage,
 'which, if the Eyes of their Representatives in former Par-
 'liaments had been open, they had never had, and which it
 'was the great Loss of the whole Kingdom, that they ever
 'had at all.

" However the Parliament, who, going upon the great
 'Scheme of Equalities so often mentioned, appeared willing to
 'make all People easy, were ready and forward enough to
 'have an Allowance by way of Equivalent given to the
 'Gentlemen that were Sheep Masters, and who should be
 'pinched by the falling of the price of their Wooll; but
 'then it was debated, in what manner that Equivalent should
 'be given, for, to give to particular Persons such and such a
 'Sum of Money, would seem partial, and be short of the
 'Design, as it would be some Personal Satisfaction indeed, but
 'no National Satisfaction: The Money given therefore ought
 'to be for the Publick Good; and this could be by no Method
 'so exactly stated to the Circumstance, as by appropriating
 'the Money to such Gentlemen, who being Wooll Masters,
 'would apply that Money to the Manufacturing that Wooll
 'in their own Country; thereby both encreasing the Consump-
 'tion of the Wooll, and setting the Poor of their respective
 'Countries to Work —; This Scheme had too much Equi-
 'ty in it, and too much of the Publick Good in it to be dis-

‘ liked, nor did those that opposed it pretend to object much
 ‘ against the Reasonableness of it, but still it was opposed,
 ‘ and the Reasons for which it was opposed were manifest.

“ The Party, who, as I have all along noted, sought some
 ‘ Occasion or other to break off the Treaty, had now this Me-
 ‘ thod only left, *viz.* To clog the Affair with such Amendments
 ‘ or Alterations, which they knew *England* either would not
 ‘ or could not grant — ; Nor did they stick in Conversati-
 ‘ on honestly to owne, That they did not dislike the Reasons
 ‘ of several Things that they opposed, were they consenting
 ‘ to the Union in general, but they were *against the UNION*,
 ‘ and therefore they were obliged to oppose the Particulars,
 ‘ in order to oppose the General.

“ These Gentlemen therefore very warmly argued for a Free-
 ‘ dom of Exportation of Wooll, and for having it made a
 ‘ Clause in the Articles, which, if they had gain’d, they easily fore-
 ‘ saw the Union must split upon that Rock, for that *England*,
 ‘ who have made it Felony, and always prohibited the Export
 ‘ of their Wooll under the greatest Penalties, neither would or
 ‘ indeed could come into it.

“ It was urged, this Liberty of Exporting Wooll might be
 ‘ restrained to *Scotland* only ; That it was absolutely necessary
 ‘ to *Scotland*, for that they could not Manufacture all their
 ‘ Wooll in their own Country ; That their Wool was Coarse,
 ‘ and did not injure the *English* Trade, since all their Manu-
 ‘ factures were of Fine Wooll ; That, if *Scotland* could not
 ‘ Manufacture their Wooll, nor should be suffered to Export it,
 ‘ the Wooll would be of no Use, but must perish, and be good
 ‘ for nothing ; That the Manufactures now set up in *Scot-*
 ‘ *land*, being chiefly Fine Goods, were generally made of *Eng-*
 ‘ *lish* Wooll, and after the Union, the Wooll from *England* be-
 ‘ ing generally brought in thither, the Wooll of *Scotland* would
 ‘ be of no manner of Value.

“ But these Arguments were Answered thus, That, to allow
 ‘ the Exportation of Wooll from *Scotland* only, would oblige
 ‘ the Government to keep still on the Borders, an Army of Offi-
 ‘ cers, to Search and Examine the Passage of all Goods passing
 ‘ between the Kingdoms, and keep up that Distinction of King-
 ‘ doms, which, as to Trade, as well as Government, was to
 ‘ be wholly taken away by the Union — ; That, after all,
 ‘ it would be impossible to prevent the carrying of Wooll into
 ‘ *Scotland*, and consequently the Exportation of *English*
 ‘ Wooll with, or instead of *Scots* Wooll.

“ In the next place, this would oblige the Government of
 ‘ *Britain* to a strict Prohibition of the bringing any *English*
 ‘ Wooll into *Scotland* after the Union, lest the same should be
 ‘ Exported, which, after its being in *Scotland*, could not be so
 ‘ distinguish’d as to be prevented ; and that this Prohibition
 ‘ would Rob *Scotland* of all that Advantage which it is propo-

sed she shall enjoy after the Union, by her People being im-
ployed in the Manufacturing of *English* Wooll.

“ Again, That this would destroy all Freedom of Commerce
and Communication of Trade between the Kingdoms, that
all Vessels to and from *Scotland* must be Visited and Searched
equally with Strangers, and the Face of an Union be ruffled
with continued Jealousies of, and Watchings against Clande-
stine Trade.

“ Lastly, That it was inconsistent with the Publick Good of
Scotland in its Proportion, as much as of *England*, and that
it would effectually destroy the Hopes of *Scotland*s Encreasing
in Manufactures, and Encouraging her Trade by the Employ-
ment of her Poor.

“ As to the Consumption, it was urged, That *England* was
always a Market for Wooll, where it might be sold without
fail, at some Price or other ; and if the Price was low just
then, that was but a common Calamity, the Effect of the long
War with *France* and *Spain*, in which they had still a Share
with their Neighbours, but that the Wooll of *Scotland* would
always sell as well as the Wooll of *England*, in Proportion
to its Fineness ; And this led of Course to the first Propo-
sal, That what Encouragement was possible to be given to
the Wooll Masters by the Treaty, should be given them on
the Conditions of setting the Poor to Work in their res-
pective Countries, which, in that Case, would have this
double Advantage, 1. The Employment and Subsistence of
the Poor ; and, 2. The Consumption of the Wooll at
Home, which directly took off the pretended Necessity of
Exporting it to other Countries, for want of a Vent of it at
Home, or their sending it to *England* to be sold, as they cal-
led it, for little or nothing : How well this Money was
paid after the Union, or when paid, how well applyed to
the Common Good of *Scotland*, is none of my Business here
to enquire.

“ I have been the longer in stating this Case, because
it has been often objected to the *Scots* Members of Parlia-
ment, That they were too Forward to comply with the
Prohibition of Wooll, and that their Country lost a great
Advantage by it.

“ There was a pretended Expedient then offered, about
the manner of Disposing the Equivalent to such Persons,
as had such or such certain Quantities of Tarr’d Wooll ;
but the Reasonableness of the above Proposal prevailed
against any other, and therefore it needs not be enquir-
ed into.

M I N U T E X X X V I I I .

*Monday 16. December 1706.**Prayers Said,
Rolls Called,*

Address of Barons, Freeholders, and others within the Shire of Berwick, Subscribers of the same, against an Union with England in the Terms of the Articles, given in and read.

A Scurrilous Print asserting the Dependency of the Crown and Kingdom of Scotland upon the Crown and Kingdom of England brought in, and several Paragraphs thereof being read,

Ordered, That the said Scurrilous Print be Burned by the Hand of the common Hangman, at the Mercat Cross of Edinburgh to Morrow, betwixt Eleven and Twelve of the Clock, and the Magistrates of Edinburgh appointed to see the same punctually done.

An Eighth Report from the Committee, to whom the Sixth Article of Union was Remitted, brought in and read in these Terms, viz. *The Committee of Parliament, to whom the Sixth Article of the Treaty was Remitted, having Considered the Remit to them, with the Books of Rates both for Scotland and England, and the several Acts of Parliament relating thereto, the Schemes or Abstracts from the Custom-House Books given in to them from the Council of Trade, and the Report thereanent of their Sub-Committee, who, on a Report from them, had compared the Customs and Duties on Export and Import settled in England with these settled in Scotland, and had calculated the Duties payable in Scotland upon Tarr, Tobacco, Iron, Dails, single and double Trees, Lint and Lintseed, and compared the same with the Duties payable upon the same Goods in England, at a Medium of the Three Years, whereof they had the said Abstracts from the Custom-House Books: They find, That, as to the Customs and Duties on Export and Import in general, the Customs in Scotland belong to the Crown, and are perpetual, whereas those in England terminate at a certain Number of Years, viz. About Two Fifteen Parts thereof at 8th March 1709 Years, Nine Fifteen Parts thereof at 1st. August 1710, about Three Fifteen Parts thereof continue only during Her Majesties Life, and about One Fifteen Part thereof for Ninety Five Years; And that the Duties upon Exportation, which were granted 12^o Car. 2. Cap. 4. are easie, have never been augmented, save upon a very few particulars, and terminate the first of August 1710; That these Goods which contribute to Luxury, and those that are Manufactured, or can be had within the Island, are those that pay high Duties when Imported, but that the whole, or most of the Customs and Duties paid at Importation, are drawn back upon Exportation, if Exported within a certain time, except a Moiety of Old Subsidy which is very small, and which is Imposed by the foresaid Act 12^o Car. 2. Cap. 4. and terminates the first of August 1710; That the Duties upon the before-mentioned Goods, at the above Medium payable in Scotland, by the nearest*

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Calculation

Calculation can be made, amounts to 253184 l. 15 sh. 7 d. and now payable in England to 413559 l. 8 sh. 4 d. and payable in England after 1710 to 129640 l. 9 sh. 8 d. Scots, and the Duties upon our Linnen Cloath and Cattel Imported into England, by the above Medium, amounts to 272629 l. 3 sh. 10 d. Money foresaid: So that it is the Opinion of the Committee, The Duties after 1710 will be much easier than now they are, and even, as they stand now payable in England, considering the Duties that are upon Scots Goods Imported into England, and taken off by the Treaty, the Customs of Scotland, taken together even before the first of August 1710, will be easier than now they are.

And after some Reasoning thereon a state of a Vote was offered, Approve of the Sixth Article of Union as Explained and Enlarged, or Not.

But it being moved, That the Vote could not be stated in these Terms, in respect what concerned the *African Company* fell under the said Sixth Article, which was to be considered.

Whereupon it was agreed, That what concerns the *African Company* shall be intire, and be taken into Consideration under the Fifteenth Article, and that the Approving of the Sixth Article shall not be prejudicial thereto.

And the above state for a Vote being again proposed, after some Debate, it was moved, That the said Article should be further Amended; And thereupon a second state of a Vote was offered in these Terms, *Approve or Amend.*

Whereupon the said sixth Article, with the several Additions, Enlargements and Explanations after-mentioned contained in several former Minutes, viz. *The Word Drawback to be insert in both Clauses of the said Article. Item, And seeing by the Laws of England, notwithstanding there are Rewards granted upon Exportation of certain kinds of Grain, wherein Oats Grinded or Ungrinded, are not specified, that from and after the Union, when Oats shall be at Fifteen Shillings Sterling per Quarter, or under, there shall be paid Two Shillings and Six Pence Sterling for every Quarter of the Oat Meal Exported in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grains, and that the Bear of Scotland have the same Rewards as Barley. Item, And in respect the Importation of Victual into Scotland from any part beyond Sea, would prove a Discouragement to Tillage, Therefore, That the Prohibitions as now in force by the Law of Scotland against Importation of Victual from Ireland, or any other place beyond Sea into Scotland, do after the Union remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of Great-Britain, for discouraging the Importation of the said Victual from beyond Sea. Item, Excepting and reserving the Duties upon Export and Import of such particular Commodities, from which any Persons, the Subjects of either Kingdom, are specially liberated and exempted by their private Rights, which, after the Union, are to remain safe and intire to them in all respects as before the same. Item, That, from and after the Union, no Scots Cattel carried into*

England, shall be lyable to any other Duties, either on the publick or private Accounts than these Duties, to which the Cattel of England are, or shall be lyable within the said Kingdom, being all read over, it was put to the Vote, whether the first or second should be the state of the Vote, and it carried, *First*.

Then the Vote was put, *Approve of the said sixth Article Enlarged and Explained, or not*; And it carried *Approve*.

Draught of an Act for Additional *Premiums* on Exportation of Victual, to commence the first of *February*, and to end the last of *April* both next to come, again read, and a first reading ordered to be marked thereon.

The Eighth Article of Union read, and the first Clause or Paragraph thereof was also again read.

Whereupon a Report brought in from the Committee, to whom the said Eighth Article is remitted, was read in these Terms, *The Committee, to whom the Eighth Article of Union anent Duties upon Salt was remitted, are of Opinion, That, after the first Clause of the said Article, an Explanation in the Terms following will be necessary.*

But, in regard the Duties of great Quantities of Foreign Salt Imported may be very heavy upon the Merchants Importers; That therefore all Foreign Salt Imported shall be Cellar'd and Lock'd up under the Custody of the Merchant Importer, and Officers imployed for Levying the Duties upon Salt; And that the Merchant may have what Quantities thereof his Occasion may require, Not under a Wey, or Fourty Bushel at a time, giving security for the Duty of what Quantity he receives, payable in six Months.

And after some Reasoning thereon, the further Consideration of the said Eighth Article and Report was delayed till the next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XXXVIII.

“The long Report of the Committee, on this Point of the Customs is very distinct, but may require some Explanation, and in order to that, it is necessary to enter into the short History of the Reason of this Calculation.

“Two great Complaints ran through the whole Nation upon the Subject of Taxes and Trade, 1. That the *English* clog'd the Trade of *Scotland* with Intolerable Burdens: And 2. That they raised their Customs, and would Gain great Sums of Money from *Scotland* by doing so; For the Scots had no Notion of the Equivalent, nor would they for a long time after this, entertain any Notion of it.

“In order to clear up the Objections of the People against the Customs, the particular Heads were referred to this Committee to Examine.

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"The first, were the Duties on Import, which the Committee observed very well in *England*, is always laid highest on such Goods as contribute to Luxury, or are Manufactured within the Island, the first Esteem'd less necessary, such as Wine, Brandy, Foreign Linen, Fruit, Druggs, East India Goods, Coffee, Tea, Sugars, Tobacco, Deals, Timber, &c. Things we might live without, or might supply in part at Home; or being willing to have, and being Generally used by the Richer sort of People, the payments are less felt. The second, For the Encouragement of our own Poor, who ought upon all occasions to be Employed; and if any thing which comes from Abroad can be made at Home, that Home-part ought to be Encouraged, by laying high Duties and Imposts, or perhaps Prohibitions on the like from Abroad, such are the Prohibitions of or high Duties, on wrought Silks, Woollen Manufactures, Bone Lace, Brasil Sugar, wrought Iron, Hats, Glass, Printed Callicoes, Pantiles, Earthen Ware, &c.

"It was now Objected in *Scotland*, That the Customs there would be very grievous, that the *English* Duties on Tar, Tobacco, Iron, Deals, and Timber, Lint and Lint-Seed, would be Intolerable to the Poor, and raise the Customs of *Scotland* to a very great Height.

"The Committee Examined the Proportions of Things, and setting the whole upon an Equality, produc'd a very well grounded Conclusion, That the Customs of *Scotland* would be less to be paid after the Union than before; and it gave great satisfaction at that time, to those People who were capable of receiving Impressions from just Calculations, when the Calculations of this Committee really stated the Ballance of Trade, for that was easie to Draw out of these Calculations. It had been offered in the Parliament, (with how little Foundation, or how much Assurance, I shall not determine); (1.) That *Scotland* got nothing by the *English* Trade. (2.) That *Scotland* were considerable Gainers by the *French* Trade.

"I shall not Censure the People that offer'd this, as Aiming at a *French* Union, not an *English*; for they did not stick to owne that, but it is not to the purpose here—; I shall only consider the State of the Trade of either Kingdom, as it stood at this Time, and as it was stated to the Parliament.

The Trade to *France* stood thus,

Exported to <i>France</i> from <i>Scotland</i> ,	Imported from <i>France</i> to <i>Scotland</i> ,
Wool, Leather, Lead, and Fish.	Wine, Brandy, wrought Silks, Hats, Glass, Cork, Resin, Fruit, and Toys.
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"The several Quantities of these, however Uncertain, as the Trade Increased or Decreased, had nevertheless this General Proportion, That the Wine and Brandy Imported into Scotland, did over and above Ballance all the Export out of Scotland to France, by above one half Part, the Consequence of which, was, That the French Trade must draw away ready Money from Scotland for the other Half, besides all the other Imports from thence, over and above this Consideration, That all the Import from France, was meer Luxury and unnecessary Consumption.

As to the state of the Trade between Scotland and England, it stood Thus,

Imports to Scotland from England, Exports to England from Scotland,

"House Furniture, Coaches, Horses, &c. by the Gentry, which might be Estimated at 10000 lib. per Annum.

"Tobacco in one year from November 1699, to November 1700, 1319356, amounts to about 22000 l. sterl. per An.

"Sugars and Grocery not in very great Quantities, being supplied chiefly from Holland, perhaps in the whole 10000 lib. per Annum.

"All the English Woollen Manufacture Prohibited.

"In the year as per Contra,

"Linen Cloth 1346174 Ells.

"Cattel of all sorts 57078.

"Linen Yarn, Stockings, Fingrams, and Stirling Serges, Quantity uncertain.

"Note, The Tobaccos and Sugars after the Union may, and 'tis not questioned, will be Imported into Scotland from the British Plantations, in Return for the Growth and Produce of their own Countrey; So that the whole Trade to England after the Union, would turn to the Interest and Advantage of Scotland.

"Nor can I omit to add the Experiment of this, to prove, That these Calculations were not Suppositions and Remote, since in the very first year after the Union, these Consequences in Trade visibly appeared, and which of my own certain Knowledge, I can take the Freedom to Advance.

"1. That on the falling of the English Duty on Scots Linen, the Demand was so great for Scots Linen for the English Markets, that it not only swept all the Linen away, so that Two Months before the usual Time, the whole Quantity was gone, and the English Merchants could get no Linen for Money; but the whole Manufacture

‘facture of Linen, advanced at least Two Pence an Ell upon the finer *Scots* Linen, and One Penny per Ell on the coarser sorts, which was a great Sum in the whole.

“2. In the very first year after the Union, *Scotland* Shipt away for *England*, besides several Ships Laden for *Portugal* and other Foreign parts, above 140000 Boll of Corn, above 40000 Boll of which was carried out of the two small Counties of *Merfs* or *Berwick* Shire and *Tiviotdale*, 20000 Boll and more out of the single County of *Fife*, and the rest from the Shires adjoining to the Firth, and some parts from the North.

“3. In the first year after the Union, the *Scots* fitted out several Ships, I think Seven or Eight, to the *English* Plantations, Fraighted with their own Produce, the Return of which being in Tobacco or Sugars, &c. have this Advantage to *Scotland*, That First, The said Tobacco and Sugars supply their own Consumption, and keep that Money at Home, which used to go to *England* and *Holland* to purchase their Supply. And 2dly. The Overplus which they cannot Expend, they Export to *Holland* and *Ireland*, which returns to the Advantage of the publick Stock.

“4. In the very first year after the Union, *Scotland* had Three or Four Ships Returned Home from *Italy* and *Portugal*, bringing Home Wines from *Leghorn* and *Galitia*, these being the Return of Fish from *Scotland*, could now Return with their Fraights to their own Countrey, where before, by reason of the *French* Wines, they could have no Consumption, but were obliged to Load to other Ports, and come Home Empty.

“If any Man pleases to calculate these things, and see the Advantages of these Foreign Trades, and particular of the *English*, and the Return of Money that must, by Consequence, be made to *Scotland* Annually by such a Trade; and again, how little of any kind of Goods *Scotland* takes from *England* in the Room of it, except what they took from *Holland* before; the Supposition of the Comparison between the *English* Trade and the *French* Trade, as to an Advantage to *Scotland*, must fall to the Ground, and the true State of the Ballance must have been something like, if not exactly thus,

“That, in an open Trade with *France*, *Scotland* must have paid *France* 100000 Pounds Sterling per Annum in specie, or their Ballance of Trade would have been against *Scotland* 100000 Pounds per Annum at least.

“That, in the Trade with *England*, *Scotland* will receive from *England* at least 200000 Pounds per Annum in specie, or the Ballance of Trade will run on the side of *Scotland* 200000 Pounds per Annum.

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“ And yet this is no Loss to *England* either, since the Island
 • being now made but one Kingdom, this Wealth, while it
 • goes but to *Scotland*, circulates in her own Bounds, and,
 • speaking of *Britain*, is all contained and preserved within
 • her self.

MINUTE XXXIX.

Tuesday 17. December 1706.

Prayers Said,
 Rolls Called,

The first Clause or Paragraph of the Eighth Article of Union again read, with the Report of the Committee, in relation thereto, for Explanation of the same, insert in the former Days Minutes.

And after Reasoning thereupon, The Vote was stated, *Approve of the said first Paragraph, with the Report of the Committee for Explanation of the same, yea or not:*

And before Voting, the said Paragraph, and Report of the Committee for Explanation of the same, were again read.

Then the Vote was put, *Approve or Not*, and it carried *Approve*.

Then that Clause of the said Eighth Article of Union, anent the Salting of Flesh for Exportation, or Victualling of Ships read; as also a Report of the Committee relative thereto, for altering the same, which, after some Reasoning, was amended; and again read in these Terms, *And for Establishing an Equality in Trade, That all Fleshes Exported from Scotland to England, and put on Board in Scotland to be Exported to Parts beyond the Seas, and Provisions for Ships in Scotland, and for Foreign Voyages, may be Salted with Scots Salt, paying the same Duty for what Salt is so imployed, as the like Quantity of such Salt pays in England, and under the same Penalties, Forfeitures and Provisions, for preventing of Frauds, mentioned in the English Laws.*

And after further Reasoning thereon, it was put to the Vote, *Approve of the Report as amended or not*, and it carried *Approve*.

Then the following Clause of the said Eighth Article of Union, in relation to the continuing in Force the Laws and Acts of Parliament in *Scotland* for Pining, Curing and Packing of Herrings, White Fish, and Salmond, for Exportation, with Foreign Salt only, and for preventing of Frauds in Curing and Packing of Fish, was read; as also a Report brought in from the Committee for adding a Clause thereto in these Terms, *But in respect it appears from the Books of the Royal Fisherie Company, confirmed by Practice, That the Quantity of 102 ¹⁰⁰⁰/₁₀₀ of Pound Weight Aver de Poids of Foreign Salt, which pays Eight Shillings and Four Pence of Duty, is necessary for the right Curing and Packing a Barrel of White Herrings, Therefore there shall be allowed and paid, during the present Allowances for other Fisher,*
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for every Barrel of White Herrings which shall be Exported, Ten Shillings Sterling.

Thereafter a Petition of the Salt Owners, Fishers of Herring and White Fish, and others who make use of Scots Salt, was given in, craving, That such Amendments might be made to the said Eighth Article of Union, as would put them in an equal Footing with their Neighbours in England, with regard to their Salt, and also the Freedom of making Salt upon Salt.

Which being read, after some Debate thereon, and upon the above last insert Report of the Committee, the further Consideration thereof was delayed till the next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XXXIX.

“ The Report of the Committee on the first Paragraph of the Eighth Article is printed in the precedent Minute relating to the Duties on Salt —; The payment of equal Duties on Foreign Salt was not objected, but it was argued, That the Scots Merchants being poor, and being nevertheless obliged to Import large Quantities of Foreign Salt at the proper Times, which must ly by till the Season for using the same, and the Duties being now very large which were to be paid, they might not be able either to advance the Money, or find sufficient Security for the Duties, as the Law in that Case provided —; And therefore this Amendment was made for the Ease of the Merchant, which was both Reasonable to the Government, and Easy to the Merchant, and took off all pretence of Quarrel upon the Disburse of Money, or lying out of Stock.

“ The second Report upon the Eight Article was founded upon equal Reasoning: It had been agreed in England in the said Eighth Article, That all Flesh Salted in Scotland, and carryed to England, or Flesh Salted in Scotland for Victualling Ships or Exportation, should be Forfeited, if Cured with Scots Salt —; But this was counted a Hardship on several Accounts, and England being allowed to Cure all sorts of Flesh with their own, whether for their own Consumption, Victualling of Ships or Exportation, it ought to be also allowed to Scotland, by virtue of the Subjects enjoying equal Allowances and Restrictions, Article VI. Wherefore the Committee made this Amendment, That the Scots might Cure Flesh with their own Salt, provided all Flesh so Cured, that was either sent for England, or used in Victualling Ships, or Exported for Sale, should be charged with the Duty on Salt paid in England.

“ The Third Report upon the Eighth Article concerned the Laws in Force in Scotland for Curing and Packing of Herring, White Fish and Salmond, which, by this Article, were reserved; These Laws were the 5th. Act 3d. Session 1st. Parliament.

‘ King William & Queen Mary, Appointing all Herrings & Salmond
 ‘ for Export be Made, Pined and Cured with French Bay, or Spa-
 ‘ nish Salt, or with Salt upon Salt made of Foreign Salt; The
 ‘ 24th. Act 7th. Session of the same Parliament, Confirming the
 ‘ same, and Directing the Proof of it, with a Confirmation of
 ‘ the 34th. Act of 2d. Session of the same Parliament, for Draw-
 ‘ backs on Herrings and Salmond Exported.

“ But, upon this new Treaty, respecting the *English* Duty
 ‘ on Salt, it was calculated as you see in the Minute, That the
 ‘ Salt commonly used in Curing a Barrel of Herring,
 ‘ amounted to about Nine Shillings per Barrel; And in regard
 ‘ of the Wasting of the Salt, Loss in carrying, &c. they re-
 ‘ solved to put it at Ten Shillings per Barrel, which fully An-
 ‘ swered the Petition of the Fish and Salt Merchants mentioned
 ‘ in the same Minute.

M I N U T E X L.

Wednesday 18. December 1706.

Prayers Said,
 Rolls Called,

Address of the Town and Parochin of *Lawder* and *Chainhillkirk*
 Subscribing the same, and Address of Heretors, Liferenters, Elders,
 Parochioners and remanent Indwellers in the Paroch of *Calder*, Sub-
 scribers of the same, both against an Union with *England* in the
 Terms of the Articles, given in and Read.

Thereafter another Report brought in from the Committee, to
 whom the Eighth Article of Union is Remitted, was Read in these
 Terms, *That White Herrings, Red Herring, Salmond, Dry or Bar-
 relled Cod, and all Fishes Cured or Packed in order to Exportation, ought
 to be Cured and Packed with Foreign Salt allennarly, and that it does
 require Four Bolls of Foreign Salt to Cure and Pack a Last of White Her-
 rings.*

And after much Debate thereupon, a Motion was made for amend-
 ing that Clause of the said Eighth Article of Union mentioned in
 the former Days Minutes, in relation to the continuing in Force
 the Laws and Acts of Parliament in *Scotland* for *Pining, Curing and
 Packing of Herrings, White Fish and Salmond for Exportation with Fo-
 reign Salt only*, by adding these Words thereto, *without any Mixture
 of British or Irish Salt.*

And the Addition being accordingly made, the Clause, as so
 amended was Read over.

And after some further Debate, the Vote was put, *Approve the
 said Clause as amended, Yea or Not*, and it carried *Approve.*

Thereafter it was proposed, That the Parliament should proceed
 to consider the Drawbacks.

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And it was also proposed, That the Parliament should proceed to consider, how far Allowance should be given for Importation of Foreign Salt, in order to the making Salt upon Salt, the further Consideration whereof was delayed till the next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XL.

“ The Report of the Committee last day was now only
 ‘ Considered, with Relation to the main part of the Question,
 ‘ Whether their Fish should be Cured with Foreign Salt only,
 ‘ or not, and it was agreed, it should be so.

“ It was counted a very great Hardship, That the Fish Cured
 ‘ in *Scotland*, should not be Cured but with Foreign Salt; some
 ‘ People alledging, That the Salt made in *Scotland* would
 ‘ Cure the Herring as well as Foreign Salt——; But it had
 ‘ been found by Experience, That the Fish Cured with *Scots*
 ‘ Salt, did not keep, nor was it equal in Goodness when it
 ‘ came to Market, which added to the Disputes which would
 ‘ arise in the Article of the Drawbacks, now coming on to be
 ‘ Debated, made the Parliament positive in that part, *viz.*
 ‘ That all Fish Cured for Exportation, should be Cured with
 ‘ Foreign Salt, without any Mixture of *British* Salt.

“ In giving Drawbacks and Allowances for the Exportati-
 ‘ on of Fish, on Account of the Salt, it had here been impos-
 ‘ sible to come to an Equality, since no Officer could have been
 ‘ sure which had been Cur’d with *British* Salt, and which with
 ‘ Foreign Salt, and which with a Mixture of either.

“ It was then alledged, That the *Dutch* Importing their
 ‘ Salt from *St. Ubies*, Re-make the Salt, Boyling it again when
 ‘ they come to *Holland*, which they call *Salt upon Salt*, and
 ‘ that their Herring are Cur’d with the said Salt, which being
 ‘ of a finer and subtiler Quality than the other Salt, is of Ad-
 ‘ vantage to their said Trade; and that the aforesaid Encourage-
 ‘ ment should be given to the *Scots* to do the same——; But
 ‘ this came to nothing.

MINUTE XLI.

Thursday 19. December 1706.

*Prayers said,
 Rolls Called,*

Thereafter the last Clause of the Eighth Article of Union, in re-
 lation to the allowing of *Premiums* and *Draw-backs* was read, as

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also a Report brought in from the Committee to whom the said Eighth Article was remitted insert in the Minutes of the 17th instant, Number 39. in these Terms; *But in respect it appears from the Books of the Royal Fisherie Company confirmed by Practice, that the Quantity of 102¹⁰⁸⁸/₁₁₀₀ of pound weight Aver de Pois of Foreign Salt, which pays eight Shillings and four pence of Duty, is necessary for the right Curing and Packing a Barrel of White-Herrings; Therefore, there shall be paid during the present Allowances for other Fishes, for every Barrel of White Herrings which shall be Exported, ten Shillings Sterling.*

And another Report brought in from the said Committee was also read, in these Terms, *That sixteen Shillings and eight Pence upon every Barrel of Salmond, six Shilling and eight Pence upon every Barrel of Red-Herrings, that two Pound ten Shillings upon every hundred Cod-fish, Ling, or Haick, of twenty four Inches and upwards, from the Bone in the Finn to the third Joynt of the Tail; one Pound fifteen Shillings Sterling for every such Fish of the length of eighteen Inches and upwards, and under twenty four Inches, and one Moiety of the foresaid Allowance for every such Fish dried, commonly called Haverdens, of the like Dimensions (being the Drawbacks allowed by the English Laws upon the Exportation of these Fishes) are sufficient Encouragements.*

And after Reasoning on the above several Reports, it being moved a higher Drawback should be allowed upon the Exportation of White Herring;

After some Debate thereon, the said last Clause of the Eighth Article of Union was agreed to with this Addition, *That there shall be allowed and paid to the Subjects Inhabitants of Great-Britain, during the present Allowances for other Fishes, for every Barrel of White Herrings which shall be Exported from Scotland, ten Shillings and five Pence Sterling.*

Thereafter another Report brought in from the said Committee was likewise read, in these Terms; *That there ought to be no Drawback upon the Exportation of salted Beef and Pork; And after Debate thereupon, the further Consideration thereof was delayed till the next Sederunt of Parliament.*

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XLI.

"The Difficulty now lay about settling the Drawbacks upon the Exportation of Fish —; and the Rule the Committee had gone upon, seemed the readiest way to Determine it, viz. They laid the English Drawbacks before them, and Examined then the Quantity of Salt used in Curing every respective kind of Fish, and then comparing the whole, tryed whether the Drawback allowed was adequate, and proportioned to the Duty paid upon the Quantity of Salt used in the Curing.

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"Now,

"Now, tho' this was Exactly Calculated, and presented to the House, yet several Motions and Speeches were made for a larger Drawback, some alledged the necessity of Encouraging the Fishery in *Scotland*, and that therefore the Government ought to make larger Allowances; but when they saw that whatever the Allowance should be which they should obtain, the *English* would obtain the same, they dropt that part of the Argument.

"The Herrings indeed they had longer Debates about, and after some Reasonings upon the Waste of the Salt, the Carriage and other Pretences, They obtained the Allowance of Ten-Shillings and Five Pence to be paid to the Exporter, for every Barrel of Herrings Cured with Foreign Salt and Exported, which was Five Pence *per* Barrel more than the Committee had at first Determined.

MINUTE XLII.

Friday 20. December 1706.

Prayers said,
Rolls Called,

Then the Debate mentioned in the Minutes of the last *Sederunt*, in relation to the allowing of Drawbacks upon the Exportation of Beef and Pork was resumed; and after some further Debate thereupon, the Vote was stated, *Approve of the Report of the Committee, or Alter.*

And before Voting, it was agreed, That the Members Votes shall be marked, and that the List of their Names as they shall Vote, shall be Printed and Recorded.

Then the Vote was put, *Approve or Alter*, and it carried *Alter*.

Thereafter moved, That the Parliament now proceed to the Consideration of what Drawbacks shall be allowed upon the Exportation of Beef and Pork.

Moved also, that the Consideration thereof be delayed till the next *Sederunt* of Parliament. And after some Reasoning,

Agreed, That the Consideration of what Drawbacks shall be allowed upon Exportation of Beef and Pork be delayed till next *Sederunt* of Parliament.

OBSERVATION XLII.

"The Drawbacks proposed upon Beef and Pork to be Exported, were now the Subject of Debate, it had been Examined in the Committee, and they finding, That 1. The *English* had no Allowance made them on Beef and Pork Cured for Exportation.

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tion. And 2. That the Quantity of Beef and Pork so salted, and Exported out of *England*, or out of *Scotland*, was very inconsiderable, had Reported, That there ought to be no Drawbacks upon the Exportation of salted Beef and Pork, as in the Minute of December 19th.

"But when this came to be Debated in the Parliament, it was all Unravelled again; Some Gentlemen would have it, That *Scotland* was able to Export great Quantities of Beef, Salted and Cured to Foreign Parts; Nay, some had before carried it further, and in their Arguing for a Trade with *France*, had advanced what had never before been heard of, viz. That *Scotland* should supply *France* with Beef, as they have formerly been supplied from *Ireland*, and proposed infinite Advantages from such a Trade—.

"But these Gentlemen were soon silenced, when it was Examined a little, upon what Conditions, and in what Quantities *Ireland* was able to supply, and did supply, not *France* and our Island Colonies only, but were able to supply all the Parts of the World, where Beef was Generally Exported —; That at that time Beef in any Quantity was to be bought, ready Cured in *Ireland*, including the Salt and the Cask it was Packed in, at a Half-penny sterling per Pound, and that *England* was so convinc'd of this, that they could Export no Flesh, but sent their Ships Generally to *Ireland*, to Load Beef for their Islands, and that *France* upon all Occasions, got their Beef, if possible, from *Ireland*, for the Victualling their Navys and Merchant Ships—. Again, that the Cattel in *Ireland* were Larger and Fatter than in *Scotland*, and their Quantity so great, that *England* was obliged to Prohibit their being brought over thither, otherwise they would Over run the three Kingdoms with the Quantity; and that *Scotland* having less Quantity of Feeding Grounds, and their Cattel being Generally Lesser, it was not possible that they could supply the Quantity of Beef, or any thing near the Price with the *Irish*; and that therefore, it could not be supposed, the Exportation of Beef from *Scotland* could be considerable, any more than from *England*; and on this Foot it was that the Committee made their Report, That it was not needful to allow any Drawback upon the Exportation of Beef, *England* at the same Time having no Allowances granted in the same Case.

"But a new Objection turned the Scale—, It was offered by some, That in the North East Parts of *Scotland*, viz. At *Aberdeen* and the Country adjacent, there was a New and very Advantageous Trade, lately Erected for Feeding Swine, which being made Fat with Corn in great Quantities (& that being a Consumption of the Produce of the Land) the Flesh was Cured and Salted, Barrelled and Exported to *Holland* for Sale—; And that this was a Trade which ought to be Encouraged. It was added, That this as it was an

‘ Advantageous Trade to *Scotland*, so it was a Growing Trade,
 ‘ and might in Time increase to a very great Degree, the *Dutch*
 ‘ Demanding every year more Quantities than the Country had
 ‘ been yet able to supply, that there had been several years
 ‘ Exported from 1500 to 2000 Barrels of salted Pork----from
 ‘ *Scotland* to *Holland*, the *Dutch* using the same for Victualling
 ‘ their East *India* Ships, and other Ships that went upon long
 ‘ Voyages.

“ This had some appearance of Argument in it, and being
 ‘ push’d very heartily at, in behalf of the *Aberdeen* Merchants;
 ‘ brought the Parliament to alter the Report, and agree to an
 ‘ Allowance upon the Exportation of Pork, and afterward
 ‘ of Beef and Pork, the Beef being brought in by the by.

“ It had been said, as above, That the *Irish* Beef was Exported
 ‘ Cheaper than *Scotland* could afford it—; It was therefore
 ‘ Argued, That *Scotland* ought to have the Drawback allowed
 ‘ on their Beef, to encourage the Exportation, and if possible,
 ‘ to set them upon an equal Foot with *Ireland*, in the Trade of
 ‘ Exporting Beef, which, tho’ it was proved, was not pro-
 ‘ bable, yet as the *Affirmative* carried some possibility, and the
 ‘ *Negative* seemed to be of no great Consequence, the Members
 ‘ came in to it, and they passed together.

MINUTE XLIII.

Monday 23. December 1706.

Prayers Said,
 Rolls Called,

Then the Parliament proceeded to the Consideration of what
 Drawbacks shall be allowed upon the Exportation of Beef and Pork.

And after some Debate thereon, a Clause was offered in relation
 thereto, in these Terms, *And that there shall be allowed Four Shil-
 lings Seven Pence half Penny Sterling for every Barrel of Beef or Pork
 Salted with Foreign Salt, and Exported for Sale, alterable by the Par-
 liament of Great Britain.* And after further Reasoning,

Agreed, That the Drawbacks shall be Five Shillings Sterling for
 every Barrel of Beef or Pork, and the Clause was accordingly so
 Amended and Read.

Thereafter it was proposed, That the said Drawback shall not
 be alterable by the Parliament of *Great Britain*, during the Conti-
 nuance of the Duty upon Salt in *England*.

And after some Debate, there were two States of a Vote offered,
 the First in these Terms, *Approve of the above Clause, viz. And that
 there shall be allowed Five Shillings Sterling for every Barrel of Beef or
 Pork Salted with Foreign Salt, and Exported for Sale, alterable by the
 Parliament of Great Britain, Yea or No:* And the second State in

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these Terms, *Continue the Præmium of Five Shillings upon the Barrel of Beef and Pork, till the same be altered by the Parliament of Great Britain, or during the Imposition on Salt.*

And after some Reasoning, which of the Two should be the State of the Vote, First or Second, it was put to the Vote, First or Second.

And before Voting, it was Agreed, That the Members Votes shall be Marked, and that the List of their Names, as they shall Vote, shall be Printed and Recorded.

Then the Vote was put, First or Second, and it carried First.

Thereafter it was put to the Vote, *Approve the Clause or No*, and it carried *Approve*.

Thereafter the Clauses of the Eighth Article of Union, in relation to *Scots Salt*, were Read, and the First Clause or Paragraph thereof again Read; And after some Reasoning thereon, it was Moved, That the Exemption from the Duty of *Scots Salt*, provided by the said Clause to be for Seven Years, shall be perpetual; And after some further Debate, The Consideration thereof was delayed till next *Sederunt* of Parliament, to be then resumed previous to all other Business.

Adjourned till to Morrow at Ten of the Clock.

O B S E R V A T I O N XLIII.

“ The Debates about the Drawbacks on Beef and Pork ended now in a short Question, Whether it should be Four Shillings Seven Pence *per Barrel*, or Five Shillings —; And the Difference being of no great Consequence, the same Arguments that carryed it before to have any Drawback at all, carryed it now to have that Drawback settled at the largest Rate of the Two, so that Affair ended.

“ Then the House proceeded to the Grand Affair, the Exemptions from the Salt Tax in *England* —; Great Quarrels were raised at the Concessions made by the Treaters in this Case, who had exempted *Scotland* from the Duties on Salt payable in *England* for Seven Years only; whereas it was alledged, That the Salt Tax was a Burden Intolerable for *Scotland*, and that they would no more be able to bear that Duty in seven years, than now, and that therefore they ought not to have Subjected *Scotland* to it at all; That it had been allowed, the Salt Tax was a Burden chiefly laid upon the Poor, the Poor People in *Scotland* Feeding much upon salt Meats, and using great Quantities of Salt —; That to lay a Tax on their Salt, was to assist in Starving them, and the like —. This was an Argument so pleasing, and so much Improved without Doors, that it made the Opposers of the Union grow popular, and seem as if they were but meer Advocates for the Poor; That they were now really Defending their Country, which the Commissioners had abandoned, and shewed, that the Concern for the Burdening *Scotland*

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Scotland with unreasonable Exactions had not been part of their Business —; Great Hopes therefore were conceived from this Debate by some People, who had the Destruction of the Treaty chiefly in their Eyes, for as the Struggle had not been small in England, to obtain an Exemption from the Salt Tax to Scotland for Seven Years, it was more than probable, That, if a perpetual Exemption was insisted on, the English Parliament would refuse it, and so the Union might split upon that Rock; which being so specious, and seeming to be all done in meer Concern for the Poor of Scotland, would therefore engage all the People of Scotland in Defence of it —; But this Cloud vanish'd afterward, tho' at first it look'd black enough.

MINUTE XLIV.

Tuesday 24. December 1706.

Prayers Said,
Rolls Called,

Addrels of Gentlemen and Heretors of the Parochins of *Mayboll*, *Kirkmichael*, *Girvan*, *Kirkoswald* and *Barr*, and of the Magistrates and Town Council of *Mayboll*, and other Inhabitants of the said Parochins within the Jurisdiction of *Carrick*, Subscribers of the same, against an Union with *England* in the Terms of the Articles, given in and read.

Thereafter these Clauses of the Eighth Article of Union, in relation to *Scots Salt*, were again read.

And after some Reasoning thereon, a Clause was given in to be added thereto in these Terms, *And with proportional Drawbacks and Allowances as in England, with this Exception, That Scotland, after the said Seven Years, shall remain exempted from the Duty of Two Shillings and Four Pence a Bushel on Home Salt, Imposed by an Act made in England in the Ninth and Tenth of King William the Third of England; And if the Parliament of Great Britain shall, at or before the expiring of the said Seven Years, substitute any other Fund in place of the said Two Shillings and Four Pence of Excise on the Bushel of Home Salt, Scotland shall, after the said Seven Years, bear a Proportion of the said Fund, and have an Equivalent in the Terms of the Treaty.*

And after further Reasoning on the said Clause, another Clause was given in in these Terms, *But Scotland shall, in all time after the Union, be exempted from paying of all Duty or Tax on Salt made in Scotland, in so far allennarly as the said Salt shall be made use of within that Part of Great Britain now called Scotland, but all Salt made in Scotland, from and after the Union, that shall be Exported to that Part of Great Britain now called England, or to any other Nation in specie, or that shall be Employed in Salting of Fish or Flesh to be Exported, or for*

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Victualling of Ships to go to England, or any other Nation, shall be lyable to the same Duties, as shall be then payable for Salt made in England, to be Levied and Secured in the same manner, and with the like Drawbacks and Allowances, as in England; And that, after the Union, no Salt whatsoever be brought from Scotland to England by Land in any manner, under the Penalty of

And after further Debate on the said two Clauses, the Vote was stated, *Approve of the first Clause or second.*

But before Voting, it was agreed, That the Members Votes shall be Marked, and that the List of their Names, as they shall Vote, be Printed and Recorded.

And the Duke of Athole gave in the following Protest, *Whereas Salt is the most useful and necessary Ingredient in all sorts of Victuals, any Duties or Excise on the same may prove a most grievous and insupportable Burden, especially on the Commons, I do therefore Protest for my self, and in Name of all who shall Adhere, That the People of this Kingdom now called Scotland, shall be free for ever of any Duties and Excises on the Salt made within this Kingdom:*

Which being Read, he took Instruments thereupon.

Then the Vote was put, *Approve of the First Clause or the Second,* and it carried *First.* And at calling of the Rolls, The Duke of Hamilton, the Marquis of Annandale, the Earl of Errol, the Earl of Marischal, the Earl of Caithness, the Earl of Wigtoun, the Earl of Galloway, the Earl of Selkirk, The Viscount of Stormount, the Viscount of Kilsyth, the Lord Saltoun, the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Burgany, the Lord Beilhaven, the Lord Colvil, the Lord Kinnaird, George Lockhart of Carnwath, Andrew Fletcher of Saltoun, Sir Robert Sinclair of Longformacus, John Sinclair younger of Stevenson, Mr. Alexander Ferguson of Isle, John Brisbane younger of Bishoptoun, Mr. William Cochran of Kilmaronock, James Grahame of Bucklyvie, Robert Rollo of Powhouse, Sir Patrick Murray of Auchtertyre, John Murray of Stroman, Mr. Thomas Hope of Rankeilor, Mr. Patrick Lyon of Auchterhouse, Mr. James Carnagie of Philhaven, David Grahame younger of Fintrie, James Ogilvie younger of Boyn, Alexander Mackgie of Palgown, Mr. George Mackenzie of Inchcoulter, Alexander Robertson, Alexander Watson, Alexander Edgar, John Black, Francis Molison, Robert Scot, Robert Kellie, Archibald Sheills, Mr. John Lyon, Sir David Cuninghame, George Home, and Mr. Robert Frazer adhered to the Duke of Atholes Protest.

Thereafter it was moved to read over the said Eighth Article of Union, with the several Additions and Alterations, in order to the Approving thereof.

But it being moved, That the said Article, with the Additions and Alterations, should be first Transcribed, the same was delayed till the next Sederunt of Parliament.

Adjourned till Thursday next at Ten of the Clock.

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O B S E R.

OBSERVATION XLIV.

“The Debate of the last Day being Renewed, occasioned some Warmth in the House, and great Arguings there were about the Poor in *Scotland* being Unable to pay the Tax upon Salt at all, and that therefore they ought not to be left to the Mercy of the *British* Parliament; the Matters also of the Disproportion in the Duties to the Value in the respective Kingdoms, was also made a strong Motive against the Duty being laid upon the *Scots*, as a plain Inequality, since, as the Duty on Salt lay then, being Taxed by Weight, the *Scots* should pay Sixteen Shillings Four Pence upon what in their Country yielded *exclusive* of the Duty but Three Shillings; Whereas the *English* should pay no more on the Value of Ten Shillings Six Pence, which was a great Disparity in the Taxation by Value——. But to this it was Answered, If the Bulk or Quantity of Salt was equal, and *Scotland* having their Salt made just where it was Expended, had, or could buy as much for Three Shillings, as the *English* had, or could buy for Ten Shillings Six Pence, the Weight of the Salt being the same, they were so much the better able to pay Sixteen Shillings Four Pence on that Quantity of Salt in *Scotland*, by how much it was had Cheaper by Seven Shillings Six Pence in its first Cost, than the *English* were, who were obliged to pay Seven Shillings Six Pence for the same Quantity in its first Cost, than the *Scots* payed.

To this again was Objected, the Poverty of *Scotland*, and the Difference this made in the Price of Salt to the Poor, how necessary the Salt was to the Subsistence of the Poor, and how much it would raise the Price, to the General Discouragement and Impoverishing the Labouring part of the People, the *English* Duties being very near one Penny per Pound sterling upon the Salt, most of which Duty would ly on those who were least able to bear it; And this, as I Noted before, made the Argument become popular, and the Opposers of the Union began to be counted Patriots, who strove meerly for the securing their Country from Unreasonable and Insupportable Taxes.

“It is necessary to Note here, in order to let the Reader in to a true state of this Question, what the *English* Duties on Salt were, which were thus strenuously Argued against——, they were in short thus.

“Twelve Pence per Bushel on Salt, each Bushel to Weigh Fifty Six Pound *Aver du Poids* Weight, granted by the *English* Parliament Anno 5^o William and Mary, appropriated to the year 1710.

“Twenty Eight Pence per Bushel, Weighing as above, granted

‘granted 9th King William, and appropriated for the
‘payment of Annuities Redeemable by Parliament.

“As may more at large be seen in the Appendix.

“The Treaters at London had agreed on both Hands, to
‘Exempt Scotland from the whole Tax upon Salt for seven
‘Years as appears in the Observations on the Minutes of the
‘Eighth Article in that Treaty——, but had then left it——,
‘with a Concession, that then Scotland should pay as England
‘should pay at that Time ——, only it was supposed, the British
‘Parliament would Consider, Whether Scotland was any bet-
‘ter able to pay then than before——, according to that
‘Clause added in the Fourteenth Article, viz. *That it could not*
‘*be supposed, that the Parliament of Great-Britain would ever lay*
‘*any sorts of Burdens upon the United Kingdom, but what they*
‘*should find of Necessity at that time, for the Preservation and*
‘*Good of the whole——, and with due Regard to the Circumstan-*
‘*ces and Abilities of every part of the United Kingdom.*

‘But it was again alledged, That the Words in this Eighth
‘Article, viz. *But from the Expiration of the said seven years,*
‘*Scotland shall be lyable to the same Duties for Salt made in Scot-*
‘*land, as shall be then payable for Salt made in England, Vide the*
‘*Treaty at London Article VIII. Page 5th.* Obligated the Scots to
‘the payment, and put it out of the Power of the Parliament
‘of Great-Britain to Alter it; and that therefore the Parliament
‘of Scotland ought to take effectual Care to prevent it, and to
‘secure the People of Scotland against it.

“There were a great many Speeches made on this Subject,
‘and something Harsh enough past on both sides, which I care
‘not to Relate——, for the sakes of the Gentlemen that shewed
‘themselves a little out of Temper here——; But at length a
‘Medium was proposed in the Terms of the first Clause of the Mi-
‘nute, which Exempted Scotland from the Two Shillings Four
‘Pence per Bushel, mentioned above, and appropriated to the
‘East India Company, and let the Twelve Pence per Bushel
‘stand, as a Thing not of so much Consequence, 1. Because
‘the Sum was not so considerable, as to make it Insupportable
‘to the Poor. 2. It was not appropriated to any payment fur-
‘ther than to the year 1710, and so might Determine in a short
‘Time; Whereas the Two Shillings Four Pence per Bushel, was
‘actually settled as a Fund for payment of Annuities for Ninety
‘Nine Years, and must certainly fall upon Scotland at the end
‘of seven Years.

‘This seemed a very reasonable Proposal, tho’ it did not
‘answer the End of these Gentlemen, whose Aim, as I Hinted
‘before, was at the Treaty in General——. For it was a Mode-
‘rating between both, bearing a part which they could bear,
‘and

and yet taking off that part which the Poor were said to be pinch'd by, and which they pretended would effectually have raised a National Discontent.

"The Gentlemen on the other side, were a little silenced with this Proposal—, they at first indeed positively insisted, as in the D. of A---'s Protest, That *Scotland* should be for ever free &c. of all Duties on Salt—, but they were subdued by the Reasonings of the other Gentlemen, upon the Equity of the above Proposal, and unless, as in General, objecting against the whole Treaty, there was no withstanding it—; yet after some Debating, there was found an Exception to this too, and that was, That tho' the Two Shillings four Pence was thus provided against, it was but a single Term, and the Parliament of *Great-Britain* might set that Duty aside, and lay some other Tax on in the Room of it, which might be the same thing, or worse, and so this Exemption might be Eluded, and this they called without Doors, a *Design to Trepan Scotland, or draw her into the snare of the Duty, under the pretence of an Exemption.*

"But this was soon Warded against, and the latter part of the Clause effectually stop't that Gap, viz. *That if the Parliament of Great-Britain shall at, or before the Expiring of the said seven years, substitute any other Fund in the place of the said Two Shillings Four Pence of Excise on the Bushel of Home Salt—, Scotland shall after the said seven years, bear a proportion of the said Fund, but shall have an Equivalent in the Terms of the Treaty, that is in the Terms of the Fourteenth Article, which says, That Scotland shall have an Equivalent for what the Subjects thereof shall be Charged towards payment of the Debts of England, in all particulars whatsoever, Vide Treaty at London Art. 15. Pag. 9.*

"This brought the Matter of Debate to an End, and there was nothing left but to put the Vote—, the other Party offered a Clause of General and Absolute Exemption, as per the Minute—; but it was Voted not to be the state of the Question, so the Affair ended with the D. of A---'s Protest, as per the Minute.

"Yet it must be observed, That this step taken by the Parliament, went a great way to stop the Mouths of the People, who began to be strangely Allarm'd at the Apprehensions of the Salt Duty, which was cryed out upon as Insupportable; but their being wholly Exempted from it for seven years, and for ever Exempt from all but Twelve Pence per Bushel, the Burden was both lessened in the Main, and Remote in prospect, and so the General Clamour wore off.

"It was indeed a great Abatement to that Article as stated at London, and some People flattered themselves with the Hopes, that it would occasion some Debates in the Parliament in England, and perhaps suffer some Alterations there, which

‘ might occasion the Returning the whole to *Scotland* again
 ‘ ———; But that View proved Fictitious, and the Gentlemen
 ‘ found themselves disappointed.

MINUTE XLV.

Thursday 26. December 1706.

*Prayers said,
 Rolls Called,*

Address of Parochioners of *Clackmannan*, Subscribers of the same, against an Union with *England* in the Terms of the Articles, given in and Read.

Thereafter the Eighth Article of Union with the several Alterations, Additions and Inlargements was twice Read over.

And the Vote being stated, *Approve of the said Eighth Article as amended or Not*, It carried *Approve*.

Then the Second Clause of the Fifteenth Article of Union beginning with these Words, *And in regard that after the Union Scotland*, and after some Reasoning thereon, it was agreed to.

The Third Clause of the said Fifteenth Article, beginning with these Words, *And for the further and more effectual answering*, was also Read and agreed to.

The Fourth Clause beginning with these Words, *And that upon the said account there shall be answered to Scotland*, was likewise Read and agreed to.

The Fifth Clause of the said Fifteenth Article beginning with these Words, *And whereas from the Expiration of seven years*, was also Read, and Ordered to be Delete, being determined by the Eighth Article.

The Sixth Clause beginning, *And generally, That an Equivalent shall be answered to Scotland*, was Read, and the Words, *or Salt*, appointed to be Delete, and after some Reasoning on the said Clause, after deleting these Words, the Vote was put, *Approve of the said Clause or Not*, and it carried *Approve*.

Then the Seventh Clause of the said Fifteenth Article beginning thus, *And as for the Uses to which the said Sum of Three Hundred Ninety Eight Thousand*, was Read; As also, the Representation of the Council General of the Company of *Scotland*, Trading to *Africa* and the *Indies*, and the Consideration of both delayed till next *Sederunt* of Parliament.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XLV.

The Eighth Article was now passed without any more Debates, the Amendments were all Read, being put together, and as the House had Ordered, Transcribed into Form, as you will find them in the Treaty, Printed in the Appendix.

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“ And

“ And now we are come to the great Article of the Equivalent, which has of it self made more Noise in the World, than all the other Articles; and which, tho’ in it self founded upon the highest Justice to *Scotland*, being the only Mean to bring the Discording Circumstances of the Nations to Unite, and was stated with the greatest Exactness, and the nicest and most unexceptionable Calculations, that the Wit of Man could perform; yet it met with the greatest Opposition, and was Treated with the most Contempt in *Scotland* of any other part of the Union; Nay to that Degree, that, when the very Money it self came to be brought into *Scotland*, the Common People were excited to that Height, as to call it the Price of their Country, and to Insult the very People that brought it.

“ I must therefore be excused, if the Observations on this Point exceed the Bounds of that Brevity I at first proposed to my self, and that I endeavour to be as particular as possible upon this Head.

“ The first Clause of this Article had been Voted and Agreed to, not without a great Struggle in the Parliament, on the Seventh of the same Month of *December*, as per the Observations upon the Minutes of that Day appears, to which I refer, and the remaining part of the Article was adjourned till the Reports of the Committee appointed to consider of the Sixth and Eighth Articles were received and considered, which being now ended, the House proceeded to the subsequent Articles.

“ The First Clause of the Article was the main Preliminary to the rest, viz. Whether *Scotland* should be obliged to come in to the appropriated Duties of *England*, and consequently have her Revenues appropriated to the payment of the *English* Debts, receiving from *England* an Equivalent —; What that Equivalent should be, viz. *Ready Money*? How much it should be, viz. Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings —? And whether that Sum was rightly calculated? All this was determined as above.

“ The second Clause which came now to be debated was thus, *And in regard, That, after the Union, Scotland becoming liable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Exciseable Liquors as in England, as well upon that Account as upon the Account of the Increase of Trade and People, (which will be the Happy Consequence of the Union) The said Revenues will much improve beyond the before-mentioned Annual Values thereof, of which no present Estimate can be made; Yet nevertheless, for the Reasons aforesaid, there ought to be a proportionable Equivalent answered to Scotland; It is agreed, That, after the Union, there shall*

be an Account kept of the said Duties arising in Scotland, to the end it may appear, what ought to be Answer'd to Scotland, as an Equivalent for such Proportion of the said Encrease, as shall be applicable to the Payment of the Debts of England.

"This was only to oblige the Persons appointed by the Government to direct the Treasury of Britain, That an exact Account might be kept, what part of the Revenue of Scotland was to be appropriate, and for which the Equivalent was to be raised, in order also to come to a Certainty in the Measures which were to be taken with the Remainder — ; And therefore this needed little Debate, yet it will occasion a further Remark presently.

"The Third Clause runs thus, *And for the further and more effectual answering the several Ends hereafter mentioned, It is agreed, That, from and after the Union, the whole Encrease of the Revenues of Customs, and Duties on Import and Export, and Excise upon Exciseable Liquors in Scotland, over and above the Annual Produce of the said respective Duties, as above stated, shall go and be apply'd, for the Term of Seven Years, to the Uses hereafter mentioned.*

"This was a general Referring also to the Particulars, to which the Overplus of the Revenue of Scotland should be applyed, and this will also come to be discoursed of in its place, being here pass'd of Course.

"The Fourth Clause was, *And that, upon the said Account, there shall be answered to Scotland Annually, from the end of Seven Years after the Union, an Equivalent in Proportion to such Part of the said Encrease, as shall be applicable to the Debts of England.*

"This Clause could admit no Debate on the Scots side, since, as they had agreed, by the first Clause, to come into an Equality of Duties, this was Capitulating in behalf of Scotland, That an Equivalent should be paid by England for so much of the Revenues of Scotland, as should be applyed to the English Debts, over and above what had been already stated in the Equivalent named in the former Clause.

"And here I shall take the Freedom to quote what the former Gentleman I quoted before gave as his Opinion on this very Head, I mean Mr. Baron Clark, whose Judgment I think I may be allowed to appeal to, and who was a Witness to, and present in Parliament at all these Debates. See his Essay on the 15th. Article of the Union, Pag. 13th. in these Words—

"2. That which is most Remarkable in this whole Article, and particularly to be taken Notice of, is this, viz. That, from the Commencement of the Union, the whole Increase of the Revenues of Customs and Duties on Import and Export, and Excise upon Exciseable Liquors, over and above the Annual Produce of the said respective Duties, as above stated, shall be applyed for the Term of Seven

Seven Years, to the Use and Advantage of Scotland, the Meaning whereof is hereby Illustrated.

"Suppose, the Customs of Scotland, after the Union, (what upon the Account of a greater Trade, or upon the Account of taking upon us the English Customs) should increase to 80000 Pounds Sterling, which I believe no Trading Man will doubt of; then 'tis plain, that in regard there's an Increase of these Customs of 50000 Pounds above the present Extent, therefore that Increase is by this Paragraph allowed to Scotland yearly, for the foresaid Term of Seven Years, which will be a great Encouragement to Scotland, and by Consequence an Advantage to the whole Island; since 'tis not to be doubted, but such an Annual Sum of 50000 Pounds will be employed during that time, towards such Ends and Uses as will be most for the Honour and Advantage of this Poor Country.

"Upon this Concession of the Increase of Customs and Excises for Seven Years, 'tis likewise to be observed, That the Sum of 22874 Pounds that falls at September 1710 above-mentioned, will likewise go for the Remainder of the Term of Seven Years, after the Union, towards the behoof of Scotland, if so be that the Customs and Excises that raise that Sum are continued, and not appropriated for other Uses.

"3. From the last part of the Paragraph, 'tis to be observed, That there shall be answered to Scotland Annually, after the Expiration of the foresaid Term of Seven Years, an Equivalent in Proportion to such parts of the Increase as shall be applied towards Payment of the Debts of England. For Explaining of which, it may be observed,

"Suppose, after the foresaid Term of Seven Years, the Customs of Scotland should rise to 120000 Pounds yearly, which is an Increase of 90000 Pounds above what they are now stated at; in that Case, the said Increase of 90000 Pounds would be disposed of as follows,

"Towards the Civil Government of Britain	17007
"Towards the General Expense of the Nation	01710
"Towards Payment of the Debts of Britain	71283

In full of the said 90000

"This last Article of the Account is very Remarkable, extending to no less than a Sum of 71287 Pounds to be applicable towards the Debts contracted before the Union. But this needs not amuse any Person: For in the first place, it was supposed, if there be a Peace concluded, and so an end put to the present War, then will the Debts of England be in a few Years fully payed. The Consequence of which will be, That the Customs and Excises, which after the Union,

‘ will be payable by the Subjects of Great-Britain, shall
 ‘ then be intirely taken off and let fall. In the next place,
 ‘ Tho’ the said Sum of 71287 Pounds be applicable yearly
 ‘ towards the Payment of English Debts; yet there shall be
 ‘ an Annual Equivalent given by England to the Extent of
 ‘ that Sum. Which leads us to consider a Question, Whe-
 ‘ ther or not that Sum of 71287 Pounds will be sent up
 ‘ yearly to England for paying these Debts? I Answer, No,
 ‘ for if it should, then, by the Nature of the Equivalents,
 ‘ that very Sum beboved to be sent back to us again, which
 ‘ is a certain needless Trouble; and Lawyers, when they
 ‘ intend to amuse their Clients with speaking a sort of La-
 ‘ tine; have this in their Mouths, applicable enough to this
 ‘ Purpose, Frustra petitur quod mox est restituendum.

“ Wherefore any Man may see, that this Sum is not to
 ‘ be sent to England, but must remain among us.

“ Could it ever have entered into the Heads of Men,
 ‘ in their right Wits, to burden a Poor Nation with an An-
 ‘ nual Payment of a great Sum, for Debts they never con-
 ‘ tracted, without at the same time allowing a Re-imburse-
 ‘ ment to them? And if so, can we imagine, that Matters
 ‘ will be so confounded, as that they must send yearly great
 ‘ Sums out of Scotland to England, for no other End, than
 ‘ immediately to be returned back again? This is so ridicu-
 ‘ lous, that ’tis scarcely to be spoken of.

“ Thus far Mr. Baron Clark, to which I shall add nothing,
 ‘ but that his Reasonings were so plain, that they needed no
 ‘ Explication—

“ The Fifth Clause was thus, *And whereas, from the Expira-
 ‘ tion of Seven Years after the Union, Scotland is to be lyable to
 ‘ the same Duties for Salt made in Scotland, as shall be then pay-
 ‘ able for Salt made in England; It is agreed, That, when such
 ‘ Duties take place there, an Equivalent shall be Answered to Scot-
 ‘ land for such Part thereof, as shall be apply’d towards payment
 ‘ of the Debts of England; Of which Duties an Account shall be
 ‘ kept, to the end it may appear, what is to be Answered to Scot-
 ‘ land as the said Equivalent.*

“ This required only to be left out as being useless, since
 ‘ the Affair of the Salt was settled otherways in the prece-
 ‘ dent Days Vote; So that hitherto these were all Negative
 ‘ Clauses in the Main.

“ The Sixth Clause was, *And generally, That an Equivalent
 ‘ shall be Answered to Scotland for such Parts of the English Debts,
 ‘ as Scotland may hereafter become lyable to pay by Reason of the
 ‘ Union, other than such for which Appropriations have been made
 ‘ by Parliament in England of the Customs, or other Duties on Ex-
 ‘ port and Import, Excises on all Exciseable Liquors, or Salt, in
 ‘ Respect of which Debts, Equivalents are herein before provided.*

“ The Opposition made to this Article was on the same Foot
 ‘ as the Opposition made to the first Clause, *viz.* That they

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‘ would

' would not have *Scotland* come into the *English* Debts at all,
' but having consented to come in as far as the Equivalent ex-
' tended, they were for making a Stop there — ; But this
' was found Impracticable, after the Duties which were to be
' paid by *Scotland* were assented to, to have turned them from
' the Channel of Appropriation which the like Duties in *Eng-*
' *land* were appointed to run in by Act of Parliament, could
' not well be done, so after a short Dispute about the Possibi-
' lity of this, it was pass'd over also.

" They now came to the Debate of the Application of the
' Equivalent, but this was too long a Subject to enter upon
' that Day, so it was adjourned to the next Time —.

MINUTE XLVI.

Friday 27. December 1706.

Prayers said,
Rolls Called,

The Lord Chancellor acquainted the Parliament, That notwith-
standing, the several Addresses brought in, and presented to the
Parliament, *Against an Incorporating Union with England, in the*
Terms of the Articles, have been under due Consideration, during
the whole Procedure, upon the *Articles of Union* : Yet there is now
Information, that *Letters* are sent through several Corners of the
Kingdom, Desiring the Subscribers of these *Addresses*, to come in
and Assemble at *Edinburgh*, upon pretence of waiting the Effect of
the said *Addresses*, and of knowing what Return the Parliament will
give them. All which he was directed by his Grace, Her Majesties
high Commissioner, to lay before the Parliament, to the Effect pro-
per Measures may be resolved upon, for preventing any Evil Con-
sequences from these Practices.

And after some Discourse thereupon, a *Proclamation* was brought
in and Read, against all such Meetings and Gatherings of the Sub-
jects as unwarrantable, and contrair to Law. And after further
Discourse, as to the Ground of the Information.

Her Majesties High Commissioner, was pleased to signify to the
Parliament, That he had Information from several Corners of the
Kingdom, of the great Pains and Methods, which had been used
to procure Subscriptions to *Addresses*, and to call into *Edinburgh* the
Subscribers, against a precise Day to back these *Addresses*.

And after Debate upon the Draught of the *Proclamation*, the
Vote was stated, *Approve of the Proclamation, or not.*

But before Voting it was agreed to mark the Members Votes, and
that the List of their Names as they shall Vote, be Printed and Re-
corded.

And George Lockhart of Carnwath gave in the following Protesta-
tion, viz. I George Lockhart of Carnwath Protest for my self, and
all others who shall adhere to this my Protestation, that this Proclama-

tion now offered to be emitted, Discharging Barons, Freeholders, and Heretors within this Kingdom, to come to Edinburgh in time of sitting of Parliament, shall no ways prejudice the Rights and Priviledges of the Barons, Freeholders, and Heretors of this Kingdom, competent to them by the Laws of this Nation.

Which being Read, he took Instruments thereupon, and the Adherers were allowed to be marked at Calling the Rolls.

Then the Vote was put, *Approve the Proclamation or Not*, and it carried *Approve*. And the Duke of Hamilton, the Duke of Athole, the Earl Errol, the Earl Marischal, the Earl of Wigton, the Earl of Selkirk, The Viscount of Stormount, the Viscount of Kilsyth, the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, the Lord Kinnaird, Sir James Foulis of Collington, Sir John Lawder of Fountainhal, Andrew Fletcher of Saltoun, Sir Patrick Home of Rentoun, John Brisbane younger of Bishoptoun, Mr. William Cochran of Kilmaronock, James Grahame of Bucklyvie, Robert Rollo of Powhouse, Sir Patrick Murray of Auchtertyre, John Murray of Strowan, Alexander Gordon of Pitlurg, John Forbes of Colloden, David Bethune of Balfour, Major Henry Balfour of Dunboig, Mr. Thomas Hope of Rankeilor, Mr. Patrick Lyon of Auchterhouse, Mr. James Carnagie of Phinhaven, David Grahame younger of Fintrie, James Ogilvie younger of Boyn, Alexander Mackgie of Palgown, James Sinclair of Stempster, Mr. George Mackenzie of Inchcoulter, Alexander Watson, Francis Molison, Mr. John Lyon, Sir Robert Anstruther, Mr. John Carnibers, George Home, and John Bain, adhered to the Protestation given in by George Lockhart of Carnwath.

Adjourned till Munday next at Ten of the Clock

OBSERVATION XLVI.

“The Work of this Day Explains it self—, and needs but little Remark; This was a new shift, if possible, to have Diverted the Parliament from going on with the great Work of the Union, Tumults and Riots in the Country had been tryed in Vain, and the Glasgow Rabblers were clos in the Castle of Edinburgh, Mobs and Rabbles in the Streets had been suppress, and the Guards did constant Duty in the City, walked the Rounds in the Night, and kept the Streets quiet, the Meeting of the Heretors and Fencible Men, had been Discharged by Proclamation, and the Clause in the *Act of Security*, Licensing them to do so, had been Repealed; So that now no Room was left for violent Methods, except by open and actual Rebellion, and that had all possible provision made for it in the Laws, and the Queen had Ordered Troops to the Borders of England, as is before Noted, in order to assist and support the Government, in case of Necessity.

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“The only Pretence therefore now, was this, The Ad-
 dreses, as you will Read in the Minures, had been continually
 brought in against the Union from all parts of the Kingdom,
 Answers were not given, nor expected to be given by the
 Parliament, but they lay before the Parliament for their
 Consideration; and an Address lying before the Parliament,
 is, by the Nature of the Thing, supposed to be under Con-
 sideration——; But the Addressers pretending, That no Re-
 gard was had to their Addreses, pretend now to come all up
 to *Edinburgh*, to wait for, or rather to Demand Answers to
 their Addreses——; This was too bare faced a Pretence not
 to discover its own Meaning; And therefore the Parliament
 immediately agreed to the Proclamation, to Discharge or
 Forbid all such Gatherings or Meetings of the Subjects, as
 Unwarrantable and contrair to Law. See the Proclamation
 in the *Appendix* N°. B x x.

“You will observe, That on several Occasions after the first Pro-
 posal of Printing the Names of such as Voted on either side, the
 like List of Names was Ordered to be made publick---, it would
 have been too long to have subjoyned these to every Vote
 ——, and also been Troublesome and Useless to the Reader
 ——; But this Case being something singular, I have put
 the Names of the Members as they were Printed by Order of
 Parliament, in the Appendix of this Work, marked with
 this Mark D x x, by which some guess may be made, who
 Encouraged or Discouraged the Violences of those Times,
 and what Encouragement were suggested to those without,
 from the Proceedings and Conduct of those within.

“It was expected by some People, That these Tumults
 should have had great Encouragement on the part of the
 Church; and great pains were taken to draw in the Ministers in
 several parts, to Espouse the Quarrel, and to appear with the
 People against the Union.

“But the Ministers, however they shewed themselves against
 the Union in General, and against the several Particulars as
 they concerned them, yet they shewed no Inclination to
 Encourage the Tumultary Methods, that the Violent Tempers
 of other People, seemed to be precipitating the Nation into;
 and therefore the Letter written by the Commission to the
 several Presbyteries, was very seasonable, not only to prevent
 the Mischiefs Threatning the Peace of the Kingdom at that
 Time, but also to Vindicate the Commission of the Assembly
 from the Aspersions raised upon them from the above Sup-
 position, Copy of which I have inserted in the *Appendix*,
 with the Answer of the Presbytery of *Hamilton* to it N°. O x,
 P x.

“It would have been endless to have added here, the par-
 ticular Addreses which were presented from the several parts
 of the Kingdom, however, some of the most significant I
 have

‘ have added in the *Appendix*, marked as follows, Address
 ‘ from the Presbytery of *Hamilton* N°. N x, which was very
 ‘ particular, the Presbytery of *Dumblain* N°. L x. with the
 ‘ Address from *Kirkcudbright* N°. M x. the Town of New Gal-
 ‘ loway N°. Q x, *Dumfermling* N°. R—. From these Ad-
 ‘ dresses, the Bulk of the rest may be guessed at; Only it may
 ‘ be Noted, there were but three Presbyteries in the whole
 ‘ Kingdom that Addressed at all, viz. *Lanerk*, *Hamilton* and
 ‘ *Dumblain*, there being Sixty Eight Presbyteries in the whole.

M I N U T E XLVII.

Monday 30. December 1706.

*Prayers said,
 Rolls Called,*

Thereafter the first part of the Seventh and last Clause of the Fifteenth Article of Union, beginning thus, *And as for the Uses, to which the said Sum of 398085 Pounds, &c.* was again Read, and after Reasoning, the Representation of the Council General of the Company of *Scotland Trading to Africa and the Indies* was also again Read; and after further Reasoning thereupon, and upon the Application of the Equivalent, a Proposal was given in for altering and amending the said first part of the above Seventh, and last Clause of the said Fifteenth Article, in these Terms, viz.

“ It is agreed, That, in the first place, out of the foresaid Sum,
 ‘ what Consideration shall be found necessary to be had for any
 ‘ Losses which private Persons may sustain, by reducing the Coin
 ‘ of *Scotland* to the Standart and Value of the Coin of *England* may
 ‘ be made good. In the next place, That the Capital Stock, or
 ‘ Fund of the *African and Indian Company of Scotland*, advanced,
 ‘ together with the Interest of the said Capital Stock, after the Rate
 ‘ of Five per Cent. per Annum, from the respective Times of the pay-
 ‘ ment thereof shall be payed: Upon payment of which Capital
 ‘ Stock and Interest, It is agreed, the said Company be Dissolved
 ‘ and Cease; and also, That, from the time of passing the Act of
 ‘ Parliament in *England*, for raising the said Sum of 398085 Pounds
 ‘ 10 Shillings, the said Company shall neither Trade nor grant Li-
 ‘ cence to Trade; Providing, That, if the said Stock and Interest
 ‘ shall not be payed in Twelve Months, after the Commencement
 ‘ of the Union, That then the said Company may, from thence
 ‘ forward, Trade or give Licence to Trade, until the said hails Ca-
 ‘ pital Stock and Interest shall be payed: And as to the Overplus of
 ‘ the said Sum of 398085 Pounds Ten Shillings, after payment of
 ‘ what Consideration shall be had for Losses in Repairing the Coin,
 ‘ and paying the said Capital Stock and Interest; and also the hails
 ‘ Increase

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' Increase of the said Revenues of Customs, Duties and Excises,
 ' above the present Value, which shall arise in *Scotland* during the
 ' said Term of Seven Years, together with the Equivalent, which
 ' shall become due upon the Improvement thereof in *Scotland*, after
 ' the said Term, and also as to all other Sums, which according
 ' to the Agreements aforesaid may become payable to *Scotland* by
 ' way of Equivalent, for what that Kingdom shall hereafter become
 ' lyable, towards payment of the Debts of *England*; It is agreed,
 ' That the same be applyed in manner following, *viz.* That all
 ' the Publick Debts of the Kingdom of *Scotland*, as shall be adjust-
 ' ed by this present Parliament, shall be payed, and that 2000 Pounds
 ' *Sterling per Annum*, for the space of Seven Years, shall be apply-
 ' ed towards Incouraging and Promoting the Manufacture of course
 ' Wooll within these Shires which produce the Wooll, and that the
 ' first 2000 Pounds *Sterling* be payed at *Martinmas* next, and so
 ' yearly at *Martinmas* during the space foresaid; and afterwards
 ' the same shall be wholly applyed towards the Incouraging and
 ' Promoting the Fisheries and such other Manufactures and Improve-
 ' ments in *Scotland*, as may most conduce to the general Good of
 ' the United Kingdom.

Which being Read, and after Reasoning thereon, it was Moved,
 That the Company of *Scotland* Trading to *Africa* and the *Indies* be
 heard by their Lawyers upon the Rights and Priviledges of the said
 Company before any further Procedure: And after Debate,

The said hail Seventh and last Clause of the said Fifteenth Article
 of Union from these Words; *And as for the Uses to which the said*
Sum of 398085 Pounds Sterling, to the end, with the above Altera-
 tion and Amendment was Read over.

And thereupon there were Two States of a Vote offered, The First
 in these Terms, *Approve of the Fifteenth Article of the Union as Al-*
tered and Amended, Yea or Not; and the Second in these Terms,
Whether this House will Dissolve the Indian and African Company,
without the Consent of the Proprietors, and Hearing the Companies Law-
yers upon the Rights and Priviledges of the said Company, Yea or Not;
 and after some Reasoning which shall be the State of the Vote, *First*
or Second.

It was agreed before Voting, That the Members Votes be Marked,
 and that the List of their Names as they Vote, be Printed & Recorded.

Then the Vote was put First or Second, and it carried First.

Thereafter it was put to the Vote, *Approve of the said Fifteenth Ar-*
ticle as Altered and Amended or not, and it carried *Approve*.

Then an Overture given in, in these Terms, "That it be Re-
 ' mitted to the Committee to consider what Consideration shall be
 ' had of the Losses of the Coin; As also what the Capital Stock and
 ' Interest of the *African* Company, may amount to; and how and to
 ' whom the same shall be payed; and likeways to Adjust the List of
 ' the publick Debts; and to prepare Overtures on these several
 ' Heads, and to Report to the Parliament; with Power to them to
 ' call for Papers and Persons, and accordingly it was Remitted to

the Committee to whom the sixth and eighth Articles were remitted.

Adjourned till to Morrow at Ten of the Clock.

O B S E R V A T I O N XLVII.

“ Upon this part of the Application of the Equivalent, great Stir was made, on pretence of preserving the *African Company*, and some Papers were offered to the Parliament.

“ The Company made a long Representation to the Parliament, needless to be inserted here—.

“ There were a Party who pretended to struggle, and some *Motions appeared in the House to that purpose*, against the Dissolving the *African Company*; It is confessed, the Company was a Thing the Nation had a great Concern in, almost every considerable Family in the Kingdom having some share in the Stock, and consequently in the Loss, for it was reckoned no better: The Historical part of that Transaction, does not relate to this place, but it may be proper to say a little to it, to introduce the true understanding of the Vote.

“ The Company had been Erected upon a General Subscription of 600000 *lib. sterling*, most of it subscribed in *Scotland*, upon which every Subscriber had paid down a certain part of the Sum subscribed, and was lyable at the Call of the Company, to be pursued for the Remainder, and to pay it all in, as by the several Acts of Parliament, settling and confirming the said Company, will appear.

“ Upon the Miscarriage of the Expedition to *Darien*, and the Return of their Ships, &c. the Company was so Discouraged and Disheartned, that no new Attempt either there, or any where else, had been so much as Talked of, nor were any other Payments demanded, the Loss of what was already Expended lying very heavy upon the Nation, and particularly upon some Families who could very ill bear it.

“ The Design had so effectually Miscarried, that the Stock advanc'd was not only Expended, but the Company was brought very low, and was very far in Debt upon the account of their said Expedition to *Darien*—, and the Subscribers were always apprehensive of a Call upon them of some further payment, to discharge the Remainder due on the old Voyage, or perhaps to Form some new Expedition, and this made some People so Uneasie, that they sold their Stock in the said Company for Trifles, *only to be secured against further Demands*; In General, the Interest in the said Stock was come to so low an Ebb, that People valued themselves little or nothing upon their Shares in it, and when the first View of the Union came on, and some thought one way

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of it, some another, they either Bought or Sold as their Opinion of the Union, and its prospect of Success either increased or decreased; and indeed the publick Expectation of the Success of the Union ran very low at this Time, as may be supposed, from the Value now put on the Stock of the *African* Company, which was fallen so low, that several People offered to Sell their whole Interest for 10 per Cent. on the Original Stock, tho' at the same time they saw, that if the Union took place, the whole principal Money with Interest was to be repaid them.

There seemed to be abundance of Difficulties in the way of the Treaty; the Fury of the Rabbles, the Tumults in the Streets, the Strength of the Opposition, and the abundance of Debates they were yet to go thro', gave so mean a prospect of the Union, that tho' it was an Article in the Treaty, that when it was Finished, all the Stock of the *African* Company should be repaid with Interest, as above, *out of the Equivalent Money*, yet no Body Valued themselves upon it then, nor were any very fond of Buying, tho' the Demand was extravagantly low; and indeed so low as told every one, the Sellers looked upon it as a desperate Case, that they had no Dependence upon, and very little Expectation from.

"It was expected there should have been a Debate upon the previous Question, Whether the *African* Company should be Dissolved or no, and as per the Vote, it was proposed to hear Lawyers or Counsel in behalf of the Company, but it was apparent, this also was a Proposal not so much in behalf of the Company, as in order to put a full stop to the Union, since it was evident, two Companies could not be consistent in *Britain*.

Nor was it alledged, That the Proprietors of the Company had it been put to the Question, would have desired the Company to continue, and so have Disbursed further Sums to carry on their Trade, in hope of making up and recovering their Money; and this rather than have received their principal Sums with Interest back again, which was a Thing they had no reason to expect.

"The Proposal therefore was rejected, not that every Mans Consent in his own private Right was not acknowledged to be needful——; But this being a publick Act granted by Parliament, the Parliament first securing every Man his whole Principal and Interest, from the very time of payment, had undoubtedly a Power to Rescind their own Act, and cause cease all the Powers and Privileges which derived from them.

"Upon this Foot, it was thought just to Repeal the Acts Establishing the Company, even without hearing their Lawyers, or demanding their Assent——. Again, had the Assent been demanded, it ought to have been not an Assent

‘ of the Directors or Council, but of every Proprietor, which,
 ‘ as it might have been Difficult, and perhaps Impossible,
 ‘ would have effectually answered the End of those Gentlemen,
 ‘ who fought to bring these Matters to a Head of Debate, and
 ‘ so have wrought out of them the wished for Delay to the
 ‘ Union then in hand.

“ Some also alledged this Case as parallel to the great Case
 ‘ now depending, and would have argued the last from the
 ‘ consequence of the first, *viz.* That as the Company could not
 ‘ be Dissolved by the Consent of the Directors, or Council,
 ‘ or Managers of their Affairs, but by the universal Consent of
 ‘ the whole Body of Subscribers; so neither could the Consti-
 ‘ tution of *Scotland* be Altered by the Act and Deed of the
 ‘ Representative, without the Concurrence and Assent of the
 ‘ Constituents from whom the Representatives derived—.
 ‘ But this seeming parallel appeared to be Imperfect, and con-
 ‘ sequently to be no parallel at all, since the Company could
 ‘ at any time be legally Dissolved, and their Charters, Privi-
 ‘ leges, and Powers be made to cease, by the same Power that
 ‘ made them, without asking the Assent either of the Directors
 ‘ or Subscribers; *That is*, without Consulting the Representa-
 ‘ tive or Constituent, Parts of that Body, and the Power so
 ‘ Dissolving, or taking away the said Company, had no other
 ‘ Obligation upon them, than in Justice to make good all
 ‘ Damage or Detriment to private Persons; and this was
 ‘ effectually done.

“ The Fate of the *African* Company of *Scotland* being thus
 ‘ Determined, the further Application of the Equivalent was
 ‘ the next Work—; and there seemed only two Things to
 ‘ call immediately for help.

“ 1. The Coin, which of Necessity required a new Re-
 ‘ gulation.

“ 2. The publick Debts of the Nation, which called
 ‘ loudly to be Discharged.

“ The Coin was agreed to be the first Consideration, and as
 ‘ *per* the Minute appears, was unanimously agreed to—, the
 ‘ state of which was in short thus;

“ By the lowness of the Coin in *Scotland*, both as to Quali-
 ‘ ty and Quantity, I mean the Old Money, *Scotland* came un-
 ‘ der this General Disadvantage, *viz.* That almost every Foreign
 ‘ Coin past current in *Scotland* to advantage: For Example—,
 ‘ the *English* Shilling past at Thirteen Pence, the *French* Crown
 ‘ which in *London* goes at Four Shillings Six Pence, past at
 ‘ Five Shillings, the *Dutch* Dollar at Fifty Eight Pence,
 ‘ the Bank Dollar, and Three other sorts commonly called the
 ‘ Wild-Horse, the Wild-Man, and Castle, being generally Im-
 ‘ perial or Rex Dollars, were by Act of Council raised to Sixty
 ‘ Pence.

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" This indeed had been occasioned by the Government in Scotland, formerly crying up their own Money above the usual Rate, a Thing always Fatal to the Nations that have thought fit to Venture upon it, and which Precipice England narrowly miss'd splitting upon in the late Restoration of her Coin, at which time, some People push'd hard at raising the Value of the Standart, not being aware of the National Injury of Raising the Value of Foreign Species, and subjecting the General Credit to a Loss on Exchange with all Nations of the World.

" By the Union. the Coin of Scotland was to be reduced, and brought to the English Standart, the Consequence of this was of necessity, that there would be a Loss upon all the kinds of Money, both Foreign and Proper — ; To cry down the Foreign Money, and bring it to a Value, could not be, because the English Money being the Standart, was to be the only current Money, and all other Money would, as in England, go by Weight only; To sink the Difference in the Hands of particular Persons, who had such Money in Possession, would have been a great Loss upon the poor People, and what they could not easily bear —

" The Advance upon the English Money, which was one Penny on every Shilling of the Silver, and Two Shillings Two Pence upon every Guinea, fell by the Course of Things, that Money being to go current at the Rates as in England, and this was no small Loss to the People that had English Money by them, but the Foreign and Scots Money being no more to be current, it was but reasonable, that the Publick should defray the Charge, and make good the Loss, and therefore this was allotted out of the Equivalent.

" Nor was that all, but as this was a Case which admitted no Delay, so it obtained the Preference of every Thing else, for till this was settled, the Circulation of Money would have been stopp'd, and a general Stagnation of Trade would have followed, and therefore it was appointed to be made good out of the Equivalent, before the African Company was refunded, and this set the Mint quickly to Work, as will appear in its place.

" The next thing to be paid out of the Equivalent was the Publick Debts, there were some who struggled heartily to have the Debts of the Government come in before the Affair of the African Company, but it could not be carryed, those Debts were not all ascertain'd, and the Claims were to be remitted to the Decision of the Law, at least many of them, and this would have left the African Affair to a long Uncertainty, which neither the Nature of the Thing, nor the Occasion that Subscribers had for their Money could admit of — ; For it is to be observed by the Clause, That if the whole was not paid them within Twelve Months, they had

‘ Privilege to Trade, or give Licence to Trade, as if they were
 ‘ not to Dissolve at all.

“ Next after the *African* Company therefore the Publick
 ‘ Debts came to be considered, and the Equivalent was appro-
 ‘ priated to the Discharge of the said Debts; And if the pre-
 ‘ sent Sum fell short, it was to be made good out of the grow-
 ‘ ing Customs and Revenue of *Scotland*, which for Seven Years
 ‘ was to be appropriate for such Uses, as will hereafter appear.

“ The next in order was to bestow this Money for the En-
 ‘ couragement of Trade, and first the Wooll Masters as they
 ‘ are called, that is the Gentlemen whose Estates were in the Sheep
 ‘ Countries, and whose Rents were generally paid in Wooll,
 ‘ these made loud Complaints, that the Unions bringing upon
 ‘ them a Prohibition or Restraint of the Exportation of Wooll,
 ‘ and there being no Consumption by Manufacturing at Home,
 ‘ and their Wooll too coarse for Sale in *England*, their Estates
 ‘ would be visibly sunk, and therefore that they ought to have
 ‘ some *Equivalent* also.

“ To this it was alledged, That the Exportation of Wooll,
 ‘ however obtained lately in *Scotland*, yet was grievous to the
 ‘ whole Nation, and ought to be restrained by Law, as it was
 ‘ injurious to Trade, and that it used in former Times to be re-
 ‘ strained; that therefore if this was a present Loss to them,
 ‘ it was nothing but a reducing them to what they were be-
 ‘ fore, and taking away the Advantages they had made for a
 ‘ few Years out of the Publick Losses: But however,
 ‘ That all Parties might, as far as possible, be made sensible
 ‘ of the Equity and Justice of the Union, a Consideration of
 ‘ 2000 Pounds *Sterling per Annum* was allowed to encourage
 ‘ setting up such Manufactures in these places, as might employ
 ‘ the Poor, and help forward the Consumption of the Wooll
 ‘ in the Countries where it is grown ———; How this 2000
 ‘ Pounds *per Annum* was disposed, and what Effect it had on the
 ‘ Wooll, or on the Trade, I may Examine hereafter.

“ A Remainder after this is allotted to the Fishing, &c.
 ‘ But the Issue of this also being not come to Knowledge at
 ‘ Writing of this History, I can give no further Account of
 ‘ it.

“ As to the Affair of the Coin and of the *African* Compa-
 ‘ ny, the particulars were referr’d to the Committee, and we
 ‘ shall meet with them again in their Course, the Report of the
 ‘ said Committee being formed into an Act of Parliament, as
 ‘ will appear in its place ———

M I N U T E XLVIII.

Tuesday 31. December 1706.

*Prayers said,**Rolls Called,*

Saturday next appointed for private Business.

Thereafter the Sixteenth Article of Union was Read twice over, and the following Words were added thereto, *And that the present Officers of the Mint be continued, subject to such Alterations, &c.* And the Article as amended, being again read over, after Reasoning thereon, a Memorial was given in, in Relation to the Losses by the Coin, and remitted to the Committee, to whom the Sixth and Eighth Articles were remitted.

Then the Vote was put, *Approve of the Sixteenth Article or not,* and it carried *Approve.*

Moved, That a Proclamation be issued forth *Lowering the Value of the current Coin of this Kingdom to the true Standard,* and remitted to the above Committee, to be proceeded on by them prior to all other Business.

The Seventeenth Article of Union was then Read, and after some Reasoning thereon, It was put to the Vote, *Approve of the Seventeenth Article or not,* and it carried *Approve.*

Thereafter the Eighteenth Article of Union was Read, and after Reasoning thereon, an Overture was given in for adding a Clause in these Terms, *That all Scotsmen be exeemed from the English Sacramental Test, not only in Scotland, but in all places of the United Kingdom and Dominions thereunto belonging, and that they be declared capable of Offices throughout the whole, without being obliged to take the said Test.*

And after Debate, it being moved, That it was not now intire to add the said Clause in Relation to the *Sacramental Test*, in respect of the Vote of Parliament of the 12th of November last, against adding the like Clause: After some further Discourse thereon,

It was agreed, That the same should be put to the Vote, and that the Members Votes be marked, and the List of their Names as they shall Vote be Printed and Recorded.

Then the Vote was put, *Whether it was intire to add the said Clause or not,* and it carried *Not.*

Thereafter the Vote was put, *Approve the Eighteenth Article or Not,* and it carried *Approve.*

Act for Adjourning the Session to the first day of February next to come, given in and Read, and a first Reading ordered to be marked thereon.

Then the Nineteenth Article of Union was Read, and delayed till next Sederunt of Parliament, and to be then taken under Consideration.

The Committee appointed to meet to Morrow at Nine a Clock:

Adjourned till Thursday next at Ten of the Clock.

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O B S E R V A T I O N XLVIII.

“ The Matter committed to the Committee here, was not whether the Coin should be reduc'd to the *English* Standart, and be alike all over the Island, for that every one seemed to agree to, especially after it had been agreed before, that the Deficiency should be made good out of the Equivalent — ; But how, and in what manner the Deficiency of the Money should be made good, was the thing the Committee was to consider — ; And here, contrary almost to the Hopes of the People, the Committee concluded, that the Deficiency even of the *English* Money, viz. One Penny in each Shilling should be made good.

“ But here was a great Difficulty, and that was this, if it should be Voted, that no Consideration should be given for the *English* Money, the People would be great Losers, and the Article of making good the Losses of the Coin would not be made good to them — ; If the Deficiency was Voted, then the *English* would bring in vast Sums of Money upon them to receive the Deficiency, and have it out in current Money, and so carry it home again, and by this Trick, as some suggested, all the Equivalent might be exhausted.

“ But the Committee found a Cure for both these Evils together, 1. They resolved to make good the Deficiency of the *English* Money, *that is*, the *English* Silver Money, not the Guineas, and so all the Objections of that sort fell to the Ground; And to prevent the Possibility of bringing in any Quantity of Silver Money from *England*, they appointed all the *English* Money in the Nation to be brought in to certain places all in one Day, where the Sums being told, Sealed up, and laid by till no more was left to bring in, the Money was delivered back again the same day, with a Certification of the same, which entitled the Proprietor to the Deficiency to be paid out of the Equivalent.

“ Thus in one day all the *English* Money in the Kingdom, (*viz.* all the Silver Money) was reduc'd to the *English* Value, and went after that as in *England*, and for no more — ; And as the Rate of Exchanges always attends the Intrinsick Value of the *Specie*, so the Exchanges, which before ran at Eleven or Twelve *per Cent.* to the Disadvantage of *Scotland*, immediately came to *A PAR*, and Money ran between *London* and *Edinburgh* at a half *per Cent.* or at most one *per Cent.* sometimes this way, sometimes that way, as the Demand of Remitters and Drawers happened to alter the Case.

“ However the Proclamation mentioned in this Vote was concealed, till the Time that all Things were ready for this Calling in the Money, that People might not have Notice of the Thing, and consequently have Room to bring in Money from *England*; It was alledged nevertheless, That several considerable

‘ rable Sums were brought over the Borders, but I never could
 ‘ understand, That it was proved; for the particulars, the Reader
 ‘ is referred to the Proclamation which contains the Report of
 ‘ the Committee, and shall come in its place:

“ The Seventeenth Article required no Debate at all, being
 ‘ what every Body acknowledged to be needful.

“ The Eighteenth Article was so well worded, and every
 ‘ Thing that related to *Scotland* so well provided for, that
 ‘ there was very little Room for Objection, and what was
 ‘ offered merits not to be remembred—; What was said re-
 ‘ lating to the Laws, being made Alterable by the Parliament,
 ‘ amounted to nothing but just what had been Argued in *Lon-*
 ‘ *don* at the Treaty; as for those that would have it out of
 ‘ the Power of subsequent Parliaments to alter any of the Laws,
 ‘ when they came to consider, that this was to Bar *Scotland* from
 ‘ having the advantage of a Legislature, and from what is
 ‘ Essential to all Government, viz. To have a Power in Being
 ‘ to make such Laws as they shall want, they presently Quitted
 ‘ a Notion so wild, remembring that Laws which are for the
 ‘ publick Good in one Age, may be directly otherwise in
 ‘ another; And to leave the Parliament no Power to Amend
 ‘ or Alter the Laws, would be to put *Scotland* in a worse Con-
 ‘ dition than any Nation in the World, that when any part of
 ‘ Her Law became Grievous to Her, it could not, tho’ at Her
 ‘ own Request, receive any Amendment; the Reasonableness
 ‘ therefore of its being always in the Power of subsequent Par-
 ‘ liaments to Make or Amend Laws being granted, the
 ‘ Distinction of the Article admitted the less Debate, all things
 ‘ being to be done only to the *evident Utility* of *Scotland*.

“ There was a second Attempt made here, with relation to
 ‘ Exempting the *Scots* from the Sacramental Test in *England*,
 ‘ but as it was just the same thing as is mentioned already in
 ‘ the Observation of *November 12th*. I need make no further
 ‘ Remark upon it, than this, That it was thrown by as a Thing
 ‘ in its self Impracticable, Unreasonable for the *Scots* Parlia-
 ‘ ment to meddle with, and as offered only to Embarrass the
 ‘ present great Affair upon the Stage.

“ The Session or Term for Law-proceedings was now further
 ‘ to be Adjourned, and this was thought Necessary, not only
 ‘ because of the present Hurry the Nation was in, being Uni-
 ‘ versally taken up about the great Affair of the Union; but it
 ‘ was thought some Advantages were designed against the
 ‘ Treaty, from the Confluence of People that from all Parts of
 ‘ the Kingdom, generally come together on this Occasion; and
 ‘ the Gentlemen who were for the Union, did not think it
 ‘ Safe to give such an Opportunity or Pretence, for the Coun-
 ‘ trey to gather to *Edinburgh*, as that must of Necessity offer to
 ‘ them.

M I N U T E X L I X .

*Thursday 2. January 1707.**Prayers Said,
Rolls Called,*

ACT Adjourning the Session to the First Day of *February* next to come Read a second Time ; and after Reasoning, it was proposed, That the Adjournment should be to the Fourth of *February*, and likewise proposed, That the Adjournment should only be to the Twenty First of *January* instant, and after further Reasoning, the Vote was put, *Approve of the Act Adjourning the Session to the Twenty First of January or Fourth of February*, and it carried, *Approve of the Act Adjourning the Session to the Fourth of February next to come.*

Thereafter the Act was Touched with the Royal Scepter by Her Majesties high Commissioner in the usual manner.

Then the Nineteenth Article of Union was again Read, and after some Reasoning on the First Clause of the said Article, in Relation to the Court of Session or Colledge of Justice ; a Motion was made for adding a Clause in these Terms ; *And that hereafter none shall be named by the Queen or Her Successors, to be Ordinary Lords of Session, but such who have served in the Colledge of Justice as Advocats or principal Clerks of Session for the space of Five Years.*

And after some Reasoning, It was also moved, That Writers to the Signet should be added to the Advocats and Clerks.

And after further Reasoning, the Vote was stated, *Approve of the First Clause or Paragraph of the Nineteenth Article with the above additional Clause or without it.*

But before Voring, It was agreed, That in case the Vote should carry Approve of the said first Paragraph of the Nineteenth Article with the additional Clause, It shall be intire to debate, whether Writers to the Signet are to be added or not.

And thereupon the said first Paragraph and additional Clause being read over, the Vote was put, *Approve of the said first Paragraph with or without the Addition*, and it carried, *with the Addition.*

And after Debate, *Whether Writers to the Signet shall be added or not*, it was put to the Vote, *Add Writers to the Signet or not*, and it carried, *Add.*

Whereupon it was moved, That such of the Writers to the Signet as have served Five Years in that Station, shall be understood Qualified as well as Advocats and Clerks, and after Debate thereon, it was moved, that the further Debate be adjourned till the next *Sederunt* of Parliament, and also moved to proceed now to the Determination of the time for their Qualification.

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And

And after Reasoning, the Vote was put, *Proceed or Delay*, and it carried *Delay*.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION XLIX.

"I have given the Reasons for Adjourning the Session in the last Observation; The Debates of this Day were only upon the Day to which it should be Adjourned, which are not Material, only to Note, That the Gentlemen against the Union were always for the shortest Adjournment, which some said, was in hopes to get the Session to begin before the Parliament should end.

"By the Nineteenth Article, the Court of Session, or as it is called, The Colledge of Justice, with the Court of Justiciary, are here effectually Established and Confirmed, their Being and Constitution can not be Touched, no not by the Parliament; They are indeed to submit to Regulations, and it can not but be Reasonable it should be so, but none of these Regulations can affect them as a Court.

"It may not be unnecessary, for the sake of the *English* Reader, to Explain the Terms in this Article, and to Describe the People mentioned here, by the like kind of Offices known in *England*, and to Note,

"1. That the Colledge of Justice, consists of the Lords of Session, Advocats, and Writers to the Signet; The Lords of the Session are a Bench of Judges, consisting of Fifteen, of whom one is Lord President of the Session, now possess'd by Sir *Hugh Dalrymple* Brother to the Earl of *Stair*—; These are Judges of all Causes of private Right, like as the Court of *Queens Bench* and *Common Pleas*, from whom Appeals lay before the Parliament, called *Petitions for Remeid of Law*; Their Sallary was Two Hundred Pound *per Annum*, but is now since the Union Five Hundred Pound.

"2. The Court of Justiciary is a Criminal Court, consisting of Five Judges, who are called, *The Lords of Justiciary*, of whom the Earl of *Cromerty* is President or Chief, and is called, *Justice General*.

"Advocats here, are Lawyers, such as the Counsellors at Law in *England*, who Plead before the Lords of the Session, (the Judges) and give Advice, take Fees, &c. as the Counsellors of the Inns of Court in *England*.

"Writers are something like Attorneys, who prosecute Law Suits, and prepare Things in due Form for Trials at the Bar.

"Writers to the Signet, are a Select Number of those by whom all Proccesses must be Signed, before they can go on in Form.

"It was the Subject of no small Debate here, Whether any Writer should be capable of being Lord of the Session, or Advocats or Counsellors only; It had been alledged, that it was Dishonourable to the Bench of Judges, to raise any of the Writers, which are a lower Rank of Practitioners, to the Dignity of a Lord of the Session; That it was Advancing them over the Heads of the Advocats, that in *England* no Man arrives to the Dignity of a Judge, till he is first received within the Bar, *That is*, made a Serjeant; and that till now, Writers were not Admitted.

"The first Motion was even against Advocates or Clerks of the Session too, *till they had served a certain Number of Years as Advocats*; but the Writers finding themselves excluded by that Vote, got it added after a long Debate.

"It remained then to Determine, what Writers should be Qualified, and which Excluded; but as this Debate seemed something of a Surprize to the Parliament, and the whole Faculty seemed concerned in it, it was put off to the next day —; The Debate seemed of no great Concern to the Publick, but as it affected private Persons, whose Interest was at that time strong in the Parliament, it occasioned warm Debates.

M I N U T E L

Friday 3. January 1707.

*Prayers said,
Rolls Called,*

Then the Parliament resumed the Consideration of the Debate anent the Qualification of Writers to the Signet, before they can be named ordinary Lords of Session: And after some further Debate as to the time they are to serve as Writers, before they can be capable to be named Lords, there were two States of a Vote offered; the first in these Terms, *Whether they shall serve Twenty Years, or none*, and the second in these Terms, *Whether they are to serve Eight or Ten Years*; And after some Reasoning, which of the two should be the State of the Vote, *First or Second*,

The Earl of *Abercorn* gave in a Protest against the first State of the Vote in these Terms: "I Protest against the stating of the first Vote, because, which way soever it may be carried, it, in my humble Opinion, elides one of the two Votes past Yesterday, relating to the Additional Clause; for, if it should be carried, That a Writer to the Signet may be admitted to be an ordinary Lord of the Session, without limiting a reasonable Time for Qualifying himself by Experience, as to the Practical Part of the Law, then that seems to be inconsistent with the Vote, requiring Advocats
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undergoing a Five Years Probation at the Bar: On the other Hand, if the Vote should be carried for a Writers being Twenty Years in that Station, before being capable to be named by the Sovereign to be an ordinary Lord of the Session, that seems to be Tantamount to an absolute Exclusion of Writers from the said Office, and thereupon he took Instruments.

Then the Vote was put, *First*, or *Second*; and it carried, *Second*. Thereafter the Vote was put, *Eight*, or *Ten Years*, and it carried, *Ten Years*.

Then a Motion was made for an Additional Clause, in relation to the Qualification of Writers in these Terms, "With this Provision, That no Writer to the Signet, be capable to be admitted a Lord of the Session, unless he undergo a private and publick Tryal on the Civil Law, before the Faculty of Advocats, and be found by them Qualified for the above-said Office, Two Years before they shall be named to be a Lord of the Session: And after Reasoning thereon, the Vote was stated, *Add the Clause*, or *not*.

But before Voting, it was Moved, "That the Qualifications made or to be made, for Capacitating Persons to be named ordinary Lords of Session, shall be Alterable by the Parliament of Great-Britain; And after Debate, it was put to the Vote, *Alterable* or not, and it carried, *Alterable*.

Then the Vote was put, *Add the Clause in relation to the Qualification of Writers*, and it carried, *Add*.

Thereafter the second Clause of the Nineteenth Article of Union in relation to the Courts of Justiciary, was read, and agreed to.

And the third Clause in relation to the Admiralty, was also read, and agreed to.

Thereafter the other Clauses of the said Nineteenth Article, in relation to the Court of Exchequer and other Courts, and also the Remainder of the Article was read, and agreed to.

Then the Vote was put, *Approve of the Nineteenth Article as amended*, or *not*, and it carried, *Approve*.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION L.

"There needs little to be said of this Days Work, our last Observation having stated the Case, and the Vote it self being more particular than ordinary in that Matter.

"The Writers to the Signet were admitted to be made ordinary Lords of the Session, upon Conditions and Qualifications as by the Minute, *viz.* Ten Years Continuance as Writer, and Two Years afterward passing a Tryal before the Advocats.

"But it may not be Unnecessary to Note, That all this Debate had some Ground for it that did not yet appear, and some personal Views were in it on either Hand; The latter, it can be of no use to meddle with here, but the Reasons in general of this Debate were, to foreclose the admitting Per-

' sons to be Judges, who had not been bred to the Law, a
 ' Thing really Significant in it self, and which some alledged
 ' had been but too much practised, in *Scotland*, to the great
 ' prejudice of the College of Justice in general, the Injury of the
 ' Gentlemen who were bred up to the Study of, and had
 ' run thro' long Practice in the Law, and not over much to the
 ' Reputation of the whole Session in general —; It was said
 ' also, That there were Views of this sort at this time, and that
 ' much of the Debate was founded upon that Head, but this I
 ' will not affirm, it is certain, the Lawyers made no small
 ' Struggle in the Case of Qualifications on both Sides —;
 ' The People generally seemed very well pleased with the
 ' Limitations, as what seemed very much to regard the Repu-
 ' tation of the Law, and be some Security for the time to
 ' come, that such as shall be advanced to be Judges of the Law,
 ' shall be chosen from among those who best understand the
 ' Law —; At last the Debate seemed to meet with some
 ' Interruption on the Account of submitting these Qualificati-
 ' ons to the Parliament of *Great-Britain* —; This was op-
 ' posed by several sorts of People; and it may be noted, some
 ' were for submitting this to such Alteration, which were very
 ' warm against submitting other things —; Their Reasons
 ' were plain to the Persons concerned, but being of no publick
 ' Consequence to Record those things, I leave them to the Ob-
 ' servation of the respective Parties.

" It was at last settled, as *per* the Vote, alterable by the *Bri-
 ' tish* Parliament; And I cannot but note, That those Gentle-
 ' men, who expect the Limitations, shall be enlarged by a *Bri-
 ' tish* Parliament, and were, on that Account, forward to sub-
 ' ject it to such Alteration, may very probably be disappoint-
 ' ed, Parliaments in *England* having on all Occasions, shoven
 ' themselves forward to secure a Succession of able and well
 ' Qualified Persons to be Judges in *England*, and will no
 ' doubt be careful of the same in *Scotland*, when ever that
 ' case shall come before them.

M I N U T E L I.

Saturday 4. January 1707.

*Prayers Said,
 Rolls Called,*

ACT in favours of the Burgh of *Dundee*, for an Imposition of two
 Pennies upon the Pint of Ale and Beer, to be Browen and Vended
 within the Bounds, and for the Uses therein mentioned, Read a
 second time, and after Reasoning thereon, a Clause was offered to
 be added thereto, Impowering Overseers and Managers of the said
 Imposition; and with power to determine how it shall be uplifted,

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whether out of the Malt or out of the Liquor; and a Petition given in for the Brewers of *Dundee* against the said Act was Read; and another Clause was offered to be added to the said Act, in favours of Mr. James Anderson, in these Terms, *With this Provision, as it is hereby expressly provided and declared, That the said Imposition is, and shall be burdened with the Sum of twelve hundred Pounds yearly, for the space of six Years. to be payed to Mr. James Anderson Writer to the Signet, or his Assignees, as a part of the Expenses of the Work recommended to him by the Parliament, and that at two Terms in the Year, Martinmas and Whittunday, beginning the first Terms Payment at Martinmas 1707 Years; And ordains the Magistrates of the said Burgh to make payment of the same accordingly; Which being Read, it was agreed to add the said Clause; and after further Reasoning on the said Act, several other Amendments were made thereupon, and after Debate on the above Petition for the Brewers, and Clause in relation to the Management, it was put to the Vote, Approve of the Act as amended, or add the Clause. and it carried, Approve.*

Then the Lord Chancellor, by Order of Her Majesties high Commissioner, acquainted the Parliament, that in this Session of Parliament, other two Days shall be appointed for private Business.

Draught of an Act for Dissolution of the Lands of *Orkney* and *Zetland* from the Crown, in favours of the Earl of *Mortoun*, Read, and agreed, That the Feu-duty payable therefore, shall be six thousand Pounds, and that the Queens Haulks be reserved, and a first Reading ordered to be marked thereon, and agreed that the said Act shall be first proceeded upon, the first Sederunt for private Business preferable to all others.

Petition *John Henry Hugnetan*, craving to be Naturalized, and also craving a Protection, again Read, and thereafter an Act for his Naturalization was also Read; And sicklike, an Act for the Naturalization of Colonel *Scipio Hill*, Lieutenant-Colonel *Henry Verriere* of Her Majesties Regiment of Foot-guards, Lieutenant-Colonel *John Cadour* Captain in Major General *Maitland's* Regiment, Captain *Theodore Dury* Her Majesties chief Engineer, Captain *Daniel Charlot* Brigadeer in Her Majesties Troop of Guards, Captain *John Burjond* in Colonel *Grant's* Regiment, Captain *James Cavaleir* Lieutenant in Her Majesties Troop of Horse Granadeers, Ensign *Peter Charantoun* in the Lord *Strathnaver's* Regiment, *Peter Cregut* formerly Lieutenant in Sir *William Dowglass's* Regiment, *Jeremiah Bosugne* Adjutant to Major General *Maitland's* Regiment, Mr. *James Leblanc* and *Daniel Lafagette* Merchants, *Joshua Legoux* Servitor to the Earl of *Roxburgh*, *Francis Gobron* late Servitor to the Earl of *Crawfurd*, *Peter Bishop* alias *La-Mar* Servitor to the Earl of *Strathmore*, Mr. *John Godfrey* Preacher of the Gospel, and Major *Belshazer Guydet* Captain of Dragoons in the Marquiss of *Lothian's* Regiment was Read, and a first Reading ordered to be marked upon the saids Acts.

And after Debate upon the above Petition as to the Protection, it was moved, That a Deliverance be granted thereon, in the following Terms, viz. *That for the better enabling the Petitioner to Re-*

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establish his Affairs and satisfy his just Debts, Protection be granted for the space of seven years to the Petitioners person; and also that Protection for the space foresaid be granted to the Petitioners Goods and Estate Heretable and Moveable against Diligence at the instance of Creditors, for such Debts as have been contracted before April 1705 years, Excepting such Debts as have been contracted to any of the Subjects of Her Majesties Dominions, or such Debts as have been originally contracted to the Subjects of Her Majesties Allies, or which shall be made appear by the Creditors before the Judge Ordinary, to have been Transferred to them bona fide, and for adequate onerous Causes, before the Twelfth of December last, providing always the Petitioner Reside within this Kingdom, during the time of the said Protection.

And after further Debate, it was put to the Vote, Grant Protection to the Petitioner in the above Terms, or delay till the Act for his Naturalization get a second Reading, and it carried Grant Protection in the above Terms.

Agreed that the Act in favours of the Burgh of Aberdeen, for an Imposition in the Terms therein mentioned, be under Consideration the first Sederunt for private Business, next to the Act in favours of the Earl of Mortoun.

Then it was intimate, That there being an Action upon the Protest for Remeid of Law, Sir Thomas Dalziel of Binns, against the Lady Caldwell and her Husband, the Procurators for the Lady Caldwell and her Husband be ready to answer against the next Sederunt for private Business, and Sir David Dalrymple authorized to plead for the Pursuer.

Petition for the Heretors and Tradesmen of the Cannongate, for a Remit to the Commissioners of Supply of the Shire, to Value their Tenements and Yards, and to establish a settled Valuation thereof, that conform to the Valuation, they may pay their Proportion of Cels to the Good-Town, for their Relief thereof, Read, and appointed to be seen and answered against the next Sederunt of Parliament for private Business.

Agreed that my Lord Chancellor Rank and Bring in private Business to the Parliament the following days for private Business, as he finds just.

Adjourned till Monday next at Ten of the Clock

O B S E R V A T I O N LI.

"This was a Day for private Business, and I should have wholly Omitted the Minute of it, but on the following Occasion —

"First, to Note how the Parliament of Scotland, on all Occasions, Encouraged Learning and Industry, and particularly the Labours and Study of Mr. James Anderson, a Gentleman bred to the Study of the Laws of Scotland, but by his own Inclination led into that Painful, but most Excellent and useful

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‘full Study of Antiquity——; In the prosecution of which,
 ‘he had begun a most Tedious and Chargeable Work in Search
 ‘after the Antiquities of *Scotland*, and had formerly laid before
 ‘them the Specimens he had made of that Work, which met
 ‘with a General Approbation, and the Reward allotted him
 ‘for it, shews the sense the House had of the Greatness of the
 ‘Undertaking, which if that Gentleman live to Finish, it may
 ‘let the world know, their Money was not ill bestowed.

“The Naturalizing Monsieur *Huguetan* was a Thing lay open
 ‘to some Reflections, and at first look’d meanly enough;
 ‘The Man was fled from *France*, and as was said, had De-
 ‘frauded the King of *France*, and private Persons also, of
 ‘great Sums of Money, and finding himself unsafe in *England*,
 ‘where a Commission of Bankrupt had been attempted to be
 ‘Sued out ——, he sought Protection here.

“However the Parliament consented to the Naturalization
 ‘——, but Limited and Restricted the Protection he sought
 ‘with such just and reasonable Clauses, as that Monsieur *Hugue-*
 ‘*tan* never thought fit to take the Benefit of it, but went
 ‘away to *Holland*, where, what became of him, how he was
 ‘near being Trapann’d away into *France*, where his Fate had
 ‘been most certain; How the States General resented the
 ‘Attempt, and punished the Persons, tho’, at the same time,
 ‘they did it in Respect to their own Jurisdictions and Con-
 ‘stitution, rather than in respect to the Person ——; How
 ‘afterward he was Married to Mademoisell *D’Odyke*, in spite
 ‘of all the Opposition made by Monsieur *D’Auverkirke* her
 ‘near Relation, and Velt Marechal of the Forces of the States;
 ‘These things, as not material to this History, I shall take no
 ‘notice of, and only mention the other, to let the World see,
 ‘That, tho’ the Enemies of *Scotland* loudly clamoured, that,
 ‘for the sake of bringing Money thither, they would make
 ‘themselves the Sanctuary of the most Infamous Persons; yet,
 ‘that upon the Application of this Man, they clogg’d the Fa-
 ‘vour they bestowed with such just Clauses in Relief of the
 ‘Claims of private Persons, that, if the Person sought
 ‘any Sanctuary against his just Debts, he found it was not to
 ‘be had in *Scotland*, and therefore he was so far intirely dis-
 ‘appointed. As to his publick Affair with the Government in
 ‘*France*, it did not appear other than by Report, and no
 ‘publick Body could be obliged to provide against any thing
 ‘that they had no Documents to prove, and which no Body
 ‘appeared to accuse him of.

MINUTE LII.

Monday 6. January 1707.

*Prayers said,
Rolls Called,*

Then the following Addreffes were given in, and read, *viz.* Addrefs of Barons, Freeholders, Heretors, Gentlemen, and others in the Shire of *Aberdeen*, Subscribers of the same; Addrefs of Barons, Freeholders, Heretors, Gentlemen, and others in the Shire of *Kincardine* and Town of *Stonehaven*, subscribing the same; An Addrefs of Inhabitants of the Town of *Peterhead*, Subscribers of the same; all against an Union with *England* in the Terms of the Articles.

Overture for an Act *anent the Admiral Court*, read, and ordered to be Printed.

A Report brought in from the Committee, to whom the Consideration of the Coyn was remitted, was read, as also a Proclamation in relation thereto, and after Reasoning thereon, both were remitted back to the said Committee to be further considered.

Then the Twentieth Article of Union was read; And it was Moved, That a Clause should be added thereto, for Preserving the whole Records and Registers, both General and Particular, and Warrants thereof, and for detaining and keeping them within this Kingdom in all time coming; And after Reasoning thereon, It was agreed, That, when the Twenty Fourth Article falls under Consideration, a Clause to that Effect shall be brought in to be added thereto.

Agreed, That, after the Words, *Heretable Offices*, and *Heretable Jurisdictions*, the Word *Superiorities* be added to the said Article: And the Article being Read over with the said Addition, The Vote was put, *Approve the Twentieth Article of Union, or not*; And it carried, *Approve*.

Then the Twentieth First Article of Union was Read; And, after Reasoning, *It was Moved*, To add a Clause thereto, in these Terms, *Subject, nevertheless, to such Alterations, as the Parliament of Great-Britain shall think fit*: And, after further Reasoning thereon, Two States of a Vote were offered: The First in these Terms, *Approve the Article, or Not*; The Second in these Terms, *Add the Clause, or Not*: And, after some Reasoning, which should be the State of the Vote, *First*, or, *Second*.

It was agreed, That the Members Votes shall be Marked: And, that the List of their Names, as they Vote, shall be Printed and Recorded.

Then the Vote was put, Which shall be the State of the Vote, *First*, or, *Second*: And, it carried, *First*.

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Thereafter,

Thereafter, the Vote was put, *Approve the Twenty First Article of Union, or Not*, and it carried, *Approve*.

Then the Twenty Second Article of Union was Read; And the Consideration thereof delayed till next *Sederunt* of Parliament, to be then proceeded upon, previous to all other Business.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION LI.

"The Affair of the Courts of Admiralty and Exchequer, need very little Remark, they were by the Nineteenth Article reserved, and their distinct Powers are very expressly stated in the Article it self, nor did it occasion any great Debate in the Parliament; for those Debates which were raised upon a supposition of the Union taking place, it was observed, gave the House the least Trouble——, which I take to be a further proof, that the main Design in Opposing and Debating the Particulars, was, as they pointed at the General, and it was therefore a just Observation, that any Head of Argument became more or less vigourly opposed, as it, more or less pushed at the Union in General.

"The Office of the Lord high Admiral for all *Britain*, it was absolutely necessary to reduce to one——; But the Courts of Admiralty having their several Jurisdictions & Authorities were as necessary as several private Rights, which by the next Article were to be reserved, depending intirely upon it.

"The heretable Rights of Admiralty, & the Vice Admiralties, were also necessary to be supported; and all these Things made it absolutely necessary to preserve a Court of Admiralty, the Tryals being to be had in *Scotland*, and which by the Constitution and Laws of *Scotland*, reserved as before, could not be legally Transferred to, or taken Cognizance of by the Court of Admiralty of *England*.

"The like in the Affair of the Exchequer, where, if the Seizures of the Customs, if private Rights and Debates between the Queen and Subject, could not have been Tried in *Scotland*, the General Reserve of the Laws to *Scotland*, could not have been maintained, and the Subject would have been put to intolerable Inconveniencies and Expences in Pursuing and Defending in all Pleas of the Crown, or Cases between the Queen and Her Subjects.

"These Things therefore admitted of very little Debate, but were regulated by the Methods required by the Customs and Forms of Law, and then past as it were in course.

"The Affair of the Privy Council was also left to its own Fate, the Story of which I omit here, because it will come necessarily to be spoken of in the subsequent part of this

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History, when it was Deposed with some Struggle, and as some thought, a little sooner than was needful.

"The present Article, which I take to be a very Extensive one, had passed, and been in all its parts Unexceptionable, had not one unhappy Word been brought in, and this was the word *SUPERIORITIES*; But this being added without any Condition or Power left in Parliament to Dissolve those Superiorities, upon an Equivalent to the Owners, whenever the United Parliament should find Occasion for the publick Good to do so; has bound down *Scotland* to the private Tyranny and Oppression of the Heretors and Lairds, which it is easie to make appear, is at this Time one of the greatest Obstructions to Her Peace and Prosperity.

"The Superiorities meant here, are the Rights of Vassalage which the Gentry of *Scotland* have over the People, which, as it is Extended, gives the Chiefs and Heads of Clans, Lairds and Heretors, such an absolute Dominion over both the Persons and Goods of the poor subjected People, as seems perfectly inconsistent both with the Peace and the Improvement of *Scotland* in particular, or of any Free Nation in General, and this two ways.

"1. As it gives too great a Power to particular persons, who are thereby rendred Independent of the Law, and put in too easie a Condition to Insult the Government, and break the publick Peace; Instances of which have been given since the Union, as shall particularly appear in the Process of this History, where Persons by the Assistance of their Tenantry, and the Dominion of their own Superiorities, protected themselves from the publick Justice, and bid Defiance to the just Resentments and Suspicions of the Government, even in a Time of *French* Invasion——. That a Power to put any one in such a posture, is inconsistent with the publick peace; I need not spend Time here to Dispute, and *Scotland* may have, and I doubt will have occasion to acknowledge:

"2. As it keeps the Common People and Tenantry of *Scotland* in a Condition inconsistent with the Liberty of a Free Nation, and under an intolerable Slavery to their Landlords, by which they are effectually prevented either Improving their Stocks for themselves, or their Lands for their Landlords; —, which the Landlord himself effectually prevents, by his absolutely Ruining and Devouring their Industry at his own will.

"This Subject is too long for the Extent of a single Observation, and will be more particularly spoken to in its place; but I note it here as the proper Subject of the place, this being the Day when it was introduc'd into the Treaty, and had only this Unhappiness, that it came in, as it were, by Head and Shoulders, without any previous Conditionary Clause —; I do not alledge, That the Superiorities of the Gen-

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try should have been taken away by Law, without Satisfaction made to the private Estates of those, from whom they should have been taken, farther is it yet from me to say, or think, they should be surrendered to the Crown — ; But certainly had it been left to a Parliament of *Great Britain*, to have Dissolved them upon any just Occasion, and, by Land or Money, have made a full Recompence to the Proprietors, and so have broken that Bond of Slavery by which *Scotland* has been so long suppress'd, and the Poor kept Poor, their Industry discouraged, and their Labour devoured ; From that Day the Nation had dated its Liberty and Prosperity ; Plenty, and Encouragement to Trade and Manufactures must have followed, since no People can be supposed to Work cheerfully, when they cannot enjoy what they gain, or call it their own.

But this was a Time of Hurry, and People could not look about them as at other Times ; Nor was the Liberty of the poor People so near in View, as to move that Concern in Mens minds, which perhaps were it now to be done, might be otherwise ; Whether this or the Fate of *Scotland*, I shall not Determine as the Cause of the Omission — . But 'tis evident, The Thing is *Unhappily for Scotland*, Omitted ; And the great Opportunity of extending the Love of Liberty, as well as the Taste of it, to all the People Irrecoverably Lost.

The Rights of the Burghs came next to be Debated, the whole Rights of the Burrows were reserved to them by the Union ; Nor was any Thing offered now to Abridge those Rights, yet it was thought, it both might be the Advantage of the Burrows, and of the Nation in General, to have those Rights subjected to Parliamentary Regulations, but some People took an Alarm at this, as if the Parliament in time coming, would take away the Privileges of the Royal Burrows ; and thus in this particular Time of Jealousie, the great Advantages which both the Burghs of *Scotland* in particular, and the People of *Scotland* in General, might have had from Parliamentary Regulations, were lost and Foreclosed, and the Door Barr'd against any future Alterations to be made by Parliament, were they never so much to the Advantage and Benefit of the respective Parts.

The next Thing brought upon the Stage, was the Number and Manner of Electing the Representative, it had been moved in the Debates of the Third Article, but was purposely Adjourned to this, as the proper Time of entering upon it — . It was too long an Affair to begin at the end of the Day ; so it was Adjourned to the next *Sederunt*, when it took up Time enough.

M I N U T E L I I I.

[Tuesday 7. January 1707.

Prayers said,
Rolls Called,

The Twenty Second Article of Union again read, and thereafter the first Paragraph thereof, in relation to the Number of Representatives for Scotland in the Parliament of Great-Britain, was read over again; And after long Debate, a Vote was stated, *Approve of the first Paragraph of the Twenty Second Article, or Not.*

But before Voting, there were Four several Protests given in, viz. One by the Duke of Athole, a Second by the Earl of Buchan, a Third by George Lockhart of Carnwath, and a Fourth by Walter Stuart Commissioner for the Burgh of Linlithgow, all against the said Vote, and the several Protesters took Instruments thereupon.

Likeas, a Fifth Protest was given in by the Earl of Errol, in these Terms, *I Charles Earl of Errol, Lord High Constable of Scotland, do hereby Protest, That the Office of High Constable of Scotland, with all the Rights and Privileges of the same, belonging to me Heretably, and depending upon the Monarchy, Sovereignty, and Antient Constitution of this Kingdom, may not be weakened nor prejudged by the Conclusion of the Treaty of Union betwixt Scotland and England, nor any Article, Clause or Condition thereof, but that the said Heretable Office, with all the Rights and Privileges thereof, may continue and remain to me, and my Successors, intire and unhurt by any Votes or Acts of Parliament, or other Proceedings whatsoever relative to the said Union: And I crave this my Protestation may be Admitted and Recorded in the Registers and Rolls of Parliament.*

And a Sixth Protest was given in by the Earl Marischal in these Terms, *I William Earl Marischal, do hereby Protest, That whatever is contained in any Article of the Treaty of Union betwixt Scotland and England, shall no manner of way derogate from, or be prejudicial to me, or my Successors, in our Heretable Office of Great Marischal of Scotland in all time coming, or in the full and free Enjoyment and Exercise of the haill Rights, Dignities, Titles, Honours, Powers and Privileges thereto belonging, which my Ancestors and I have Possessed and Exercised as Rights of Property these Seven Hundred Years. And I do further Protest, That the Parliament of Scotland, and Constitution thereof, may remain and continue as formerly: And I desire this my Protestation to be Insert in the Minutes, and Recorded in the Books of Parliament, and thereupon takes Instruments.*

Which Protestations being read, the several Protesters took Instruments upon their respective Protests.

And it was agreed, *That the Members Votes be marked, and that a List of their Names, as they shall Vote, be Printed and Recorded,*

corded, and that, at calling the Rolls, the Adherers to the above respective Protefts be marked; As also, the Lord Chancellor was allowed to have his Name Marked, Printed and Recorded as an Approver.

Then the Vote was put, *Approve the first Paragraph of the Twenty Second Article of Union, or Not*; and it carried, *Approve*. And the Earl of Caithness, the Viscount of Stormount, the Lords Oliphant, Balmerino, Bargany and Kinnaird, John Brisbane younger of Bishoptoun, Sir Humphrey Colquhoun of Luss, Sir Patrick Murray of Auchtertyre, John Murray of Strowan, James Ogilvie younger of Boyne, Alexander Macky of Palgown, James Sinclair of Stempster, Alexander Robertson, Alexander Duff, Francis Molison, Robert Scot, Archibald Sheils, Mr. John Lyon, Mr. John Carruthers, George Home, John Bayne, and Mr. Robert Frazer, Adhered to the Duke of Atholes Protest; and Andrew Fletcher of Saltoun, Sir Robert Sinclair of Longformacus, Sir Hugh Cathcart of Carletoun, the said John Brisbane younger of Bishoptoun, Mr. William Cochran of Kilmaronock, Sir Humphrey Colquhoun of Luss, Robert Rollo of Powhouse, Mr. James Carnagie of Phinhaven, David Graham of Fintrie, and the said James Sinclair of Stempster, Adhered to George Lockhart of Carnwaths Protest; and the Earls of Crawford and Galloway Adhered to the Earl of Buchans Protest.

Then the second Paragraph of the said Twenty Second Article, anent the calling of the Representatives from Scotland to the Parliament of Great Britain, beginning thus, *And that when Her Majesty, &c. and ending, That the Names of the Persons so Summoned and Elected, shall be returned by the Privy Council of Scotland, into the Court from whence the said Writ did issue*, was again read; And after some Reasoning, an Explanation was offered to be added after these Words, *According to the Agreement in this Treaty, viz. In such manner as by a subsequent Act of this present Session of the Parliament of Scotland shall be settled; Which Act is hereby declared to be as valid, as if it were a part of, and ingrossed in this Treaty*. And after further Reasoning, it was moved, That the Way and Manner of Choosing the Representatives for Scotland to the Parliament of Great Britain, be determined, and that a Clause to that purpose be ingrossed in this Article. And after Debate, the Vote was stated, *Approve of the second Paragraph of the said Twenty Second Article as above explained, Yea, or Not*:

Whereupon it being moved to delay the said Vote till next Sederunt of Parliament, a previous Vote was stated, *Proceed, or Delay*; and it carried *Proceed*.

Then it was put to the Vote, *Approve of the second Paragraph of the Twenty Second Article of Union with the above Explanation above insert, or Not*.

And the Clause with the Explanation being thereupon again read, before Voting, the Earl of Abercorn gave in the following Protest, viz. "I Protest against the settling the Representatives of Scotland for the Parliament of Great Britain after a distinct manner, from what might be appointed by the Vote approving of the Two and

‘ Twentieth Article: Because I do not see clear into what may be the Consequence thereof, and thereupon he took Instruments.

Then the Vote was put *Approve, or Not*; and it carried *Approve*.

Adjourned till to Morrow at Ten of the Clock.

O B S E R V A T I O N LIII.

‘ The Affair of the Number of the Representative, whether of the Nobility or Commons, was the Contents of the first Paragraph now debated; How, and with what Difficulty, this part of the Equality was settled in *England*, has been noted already, and the Reasonableness of the Proportion duly stated there.

‘ It was indeed urged again here, and several ways disputed, but the Disputes here seemed to look another way; And first it was vigorously opposed, That *Scotland* should come to any Representative at all; That her whole Parliament should sit in Conjunction with the *English* Parliament, and long Speeches were made on that Head; Some alledging, That it was Dishonourable to *Scotland* to lessen the Number of her Representative, while *England* retained her intire Parliament; Others again attempted to argue against the very Uniting of the Parliament at all, tho’ that was foreclosed by the first Vote pass’d on the Third Article —. 3. Others yet went into the Merit of the Cause, and to Examine the just Proportion of the Representative, and these objected very vigorously, that the Numbers were not equal —; The Opinions were variously divided, as to the Foundation of a true Equality, upon what Principle an Equality of Proportions could be raised —; Some stating the Numbers of People to be the Test of the Representative; others the Proportion of Taxes, some an Estimate from both; others alledged, there could be no just Rule laid down, how an equal Proportion of Representatives could be made, to ballance a Kingdom that is not *ITSELF* equally represented, and that before *England* had required *Scotland* to reduce their Representative to a just Proportion to her, she ought to have reduced her own Representative to a just Proportion to her self, either in Number of People, or Payment of Taxes, neither of which, as they alledged, were at all regarded in the *English* Representative; That it was the Complaint in *England*, and several had wrote very warmly upon that Subject, that their Taxes were not equally Levied, or their People equally Represented; and it was unreasonable to talk of proportioning *Scotland* to a Country, whose Representative was not in its self equal.

‘ There were several Answers given to this, the present Circumstances of both Nations in general seemed to be the truest Foundation of a Proportion, wherein, tho’ the particular Towns in *England* might not be justly proportioned, yet the general might be equal, and thus, without enquiring, whether

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‘ther the parts of the Representative were equally chosen in
 ‘*England*, it might be a just Proportion, in having the whole
 ‘brought to a State; And if the Number for *Scotland* bare
 ‘the same Proportion to the Number for *England*, as the Num-
 ‘bers of People, and Wealth or Payment of Taxes, joyntly
 ‘considered, of the one part bare to the same Articles in the
 ‘other, the Equality was then preserved ———.

“It was remembred, That this had been fully debated in
 ‘*England*, and that the Number was brought up to the high-
 ‘est Proportion that *England* could possibly grant ———; Mr.
 ‘*Seton*, in his Speech printed in the Minutes herewith, *Folio*
 ‘79th, declared, it was above what *Scotland* ought to ex-
 ‘pect, and that it was a full Proportion. Upon the whole,
 ‘this first Clause was put to the Vote, and passed by it self.

“The Scruples on the second Paragraph, as principally re-
 ‘lating to the Manner of Issuing out the Writs for Electing the
 ‘Members, when they should be Chosen for the Parliament of
 ‘*Britain*, I take no notice of here, referring that to the Time,
 ‘when a separate Act came to be debated in the House for the
 ‘said Election. Of which in its place:

MINUTE LIV.

Wednesday 8. January 1707.

Prayers said,
 Rolls Called,

Whereupon it being moved, That the four Protests given in the
 former Sederant by the Duke of *Athole*, the Earl of *Buchan*, *George*
Lockhart of *Carnwath*, and *Walter Stuart*, ought not to be insert in
 the Minutes, nor to be Printed: After some Reasoning thereon,
 The Earl of *Marchmont* gave in a Protestation against the said four
 Protests, and took Instruments thereupon. And the Lord Chan-
 cellor, the Marquess of *Montrose* President of the Privy Council, the
 Duke of *Argyll*, the Marquess of *Tweeddale*, the Marquess of *Lothian*,
 the Earl of *Mar* Lord Secretary, the Earl of *Londoun* Lord Secretary,
 the Earls of *Sutherland*, *Roths*, *Mortoun*, *Roxburgh*, *Dathoussie*,
Findlater, *Leven*, *Balcarras*, *Forfar*, *Kintore*, *Hyndford*, *Glasgow*
 Treasurer Deput, *Delorain* and *Ilay*; The Lords *Forbes*, *Elphing-*
stoun, *Ross*, *Torphichen*, *Frazer*, *Banff*, *Rollo*, the Lord Register, the
 Lord Justice Clerk; Sir *John Swinton* of that Ilk, Sir *Alexander Camp-*
bell of *Cesnock*, Sir *William Ker* of *Greenhead*, *Archibald Douglass*
 of *Cavers*, Mr. *John Murray* of *Bowhill*, Mr. *John Pringle* of *Hain-*
ing, *William Morison* of *Prestoungrange*, *George Baillie* of *Jerviswood*,
William Douglass of *Dornock*, Mr. *Francis Montgomery* of *Giffen*,
Mungo Grahame of *Gorthie*, *William Seton* younger of *Pitmedden*,

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Alexander Grant younger of that Ilk, *Mr. John Campbell* of *Mammore*, *Sir James Campbell* of *Auchinbreck*, *James Campbell* younger of *Ardkinglass*, *James Halyburton* of *Pitcur*, *Alexander Abercrombie* of *Glasfoch*, *Alexander Douglass* of *Eaglishaw*; *Sir Patrick Johnstoun*, Lieutenant Colonel *John Areskine*, *John Mure*, *James Spittle*, *Sir Andrew Home*, *Mr. William Carmichael*, *Sir Alexander Ogilvie*, *Mr. John Clark*, *Mr. Patrick Ogilvie*, *George Allardyce*, *Mr. James Bethun*, *Daniel Campbell*, *Mr. Robert Douglass*, *Mr. Alexander Maitland*, and *Mr. Charles Campbell* adhered thereto: And after long Reasoning thereupon, the further Debate was adjourned till next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

O B S E R V A T I O N LIV.

“This affair of the four Protefts being renewed the next Sederunt, I need make no Observations upon them; the Earl of Marchmount made a Counter Protest as per the Minut-----; But all this did not obstruct the passing the Article, nor any other of the Proceedings. As to the Subject of the four Protefts, they shall come in in their Course.

M I N U T E LV.

Thursday 9. January 1707.

*Prayers Said,
Rolls Called,*

Then the Debate mentioned in the Minutes of the said last Sederunt was resumed, in relation to the four Protestations given in the seventh instant by the Duke of *Athole*, the Earl of *Buchan*, *George Lockhart* of *Carnwath*, and *Walter Stuart*, and in relation to another Protestation against the same, given in the last Sederunt by the Earl of *Marchmount*.

And after Reasoning, the Lord *Balmerino* gave in a Protest against that given in the former Sederunt by the Earl of *Marchmount*, and took Instruments thereupon; And the Duke of *Hamilton*, the Duke of *Athole*, the Earls of *Errol*, *Marischal*, *Buchan*, *Eglinton*, *Wigton*, *Galloway* and *Selkirk*, the Viscounts of *Stormount* and *Kilsyth*, the Lords *Semple*, *Oliphant*, *Blantyre*, *Bargany* and *Kinnaird*, *George Lockhart* of *Carnwath*, *Andrew Fletcher* of *Saltoun*, *Mr. William Cochran* of *Kilmarnock*, *Sir Humphray Colquhoun* of *Luss*, *Robert Rollo* of *Powhouse*, *John Murray* of *Strowan*, *Mr. James Carnagie* of *Phinhaven*, *David Grahame* younger of *Fintrie*, *Alexander Mackye* of *Palgown*, *Alexander Edgar*, *Alexander Duff*, *Francis Molison*, *Archibald Shiels*,

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Mr. John Lyon, Mr. John Carruthers, George Home and Mr. Robert Frazer adhered thereto.

And after some further Debate, it was agreed, that none of the above Protests be insert at length in the Minutes, or printed, but that they be all Recorded and insert in the Records of Parliament.

Then the third Paragraph of the twenty second Article of Union, beginning thus; *And if Her Majesty on or before the first day of May next, &c. and ending with these Words: And that Parliaments may continue for such time only as the present Parliament of England might have continued if the Union of the two Kingdoms had not been made, unless sooner dissolved by Her Majesty,* was read.

And after reasoning thereon, it was moved to add the following Clause thereto, viz. *And that the said Parliament of Great Britain shall meet and sit once in three years, at least, in that part of Great-Britain now called Scotland.*

And after further Debate, there were two States of a Vote offered, the first in these Terms; *Approve the third Paragraph of the twenty second Article, or not:* And the second in these Terms, *Add the above Clause, or not;* And after Reasoning which should be the state of the Vote, it was put to the Vote, *First, or Second.*

And it was agreed, That the Members Votes shall be marked; and that the List of their Names as they Vote be Printed and Recorded, and the Lord Chancellor was allowed to have his Name Printed and Recorded as a Voter for the first State, and if that shall carry, as Voting among the Approvers:

Then the Vote was put, *First, or Second,* and it carried *First:* Thereafter the Vote was put, *Approve the third Paragraph of the twenty second Article, or not;* and it carried *Approve.*

Then the rest of the twenty second Article of Union was read, and after some Reasoning and reading of the Oaths to which it relates: An Overture was given in for an additional Clause for explaining the Word *Limitation* mentioned in the Oath appointed to be taken by *Statute 13. W. 3. Cap. 6.*

And another Overture was given in, for exceming persons in any Office or Employments in *Scotland*, from taking the Oath of Abjuration mentioned in the said Article.

And a third Overture for a Clause, *That so long as the Act appointing a Sacramental Test shall continue in force in England, all persons in publick Trust within the Limits of Scotland, shall swear and sign a Formula thereto subjoyned, in manner and under the penalties therein mentioned.*

And after reading the said three Overtures, and Reasoning thereon, a Vote was stated; *Approve of the twenty second Article of Union as explained, or not.*

But before Voting it was agreed, That notwithstanding of the said Vote, and that the Article shall be thereby approven, it shall nevertheless be intire and free thereafter to proceed on the saids

Overtures next *Sederunt* of Parliament, and to the Parliament to give their Sentiments thereon.

And it being thereupon moved to delay the Vote for approving the Article till next *Sederunt*.

A previous Vote was stated; *Proceed*, or *Delay*; and it carried *Proceed*.

Then the Vote was stated, *Approve*, or *not*.

But before Voting it was agreed, That the Members Votes be marked, and that the List of their Names as they Vote be Printed and Recorded, and the Lord Chancellor was allowed to have his Name Printed and Recorded as an Approver.

Thereafter the Vote was put, *Approve the twenty second Article as explained*, or *not*; and it carried *Approve*.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION LV.

“ The Debate about the Protestations of the Four Gentle-
men above-mentioned, ended now, after some Heat, in Or-
dering the Protestations to be Recorded and Enrolled in the
Registers of Parliament, which satisfied all Parties.

“ It was very much enquired after, Why these Protestations
should not be made publick, since the Gentlemen that made
them, did not concern themselves to Conceal them; Some
alleged, The Parliament behoved to enter into a Confutati-
on of the Matter of the Protests, if they made them publick,
and either to Approve or Censure them: Others thought,
The publishing them might do Harm among the people; and
that since the Parliament were now just at the End of the
Work, it was better to keep them all Easie, than start any
new Dispute. So the Protests were not published, but En-
tered in the Rolls or Registers Office of the Kingdom of Scot-
land——, from whence the true Copies of them are taken,
and added in the *Appendix* to this Work N^o. L. M. N. O.

“ Then they went upon the Debate of Triennial Parlia-
ments, included in the Third Paragraph of the Twenty Se-
cond Article——, and some were very Urgent for a new
Clause, as in the Minute——; But when the Gentlemen
were put in mind, That by the very Words of the Paragraph,
it was expressly provided, That the First Parliament of *Great-
Britain* could sit no longer than the next ensuing Session,
being the Termination of the *English* Parliament then in
Being, and that by the Act then in Force in *England*, called
The Triennial Act, every Parliament was to Terminate in
Three Years; The Thing appeared already settled, and so
admitted no further Debate, that Law being among others,
continued by the Twenty Fifth Article, Of which in its or-
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"It was very strange, that notwithstanding the Debates of this Day, and the express Provision of the Treaty, many People flattered themselves with the Notion of the Parliaments continuing to sit, nor could it be beaten out of their Thoughts in England as well as in Scotland, till they saw the very Preparations making for a new Election.

"The Proposal for Explaining the several Oaths to be taken by the Members of the *British* Parliament, was Opposed, not that there could be any concealed Oath, that was not known to the Members—; And the particular Oaths of Allegiance, the Declaration, and Abjuration were laid before the House—, but the Gentlemen who thought fit to Oppose it, did it on this Foot, That they thought the Articles so expressly directed to the particular Acts in which the said Oaths were contain'd, and in which no other Oaths were expressed, that the Acts being named at large, and referred to, And the Custom and Usage of Parliament known, and publick, there could be no possible Fraud, Mistake, or Misconstruction, but that it was this way as expressly and directly pointed out, as if it had been Repeated in the Articles, Word for Word.

"The Exception about the *Limitation*, mentioned in the 13. *William III. Cap. 6.* referring to the Qualification of the Successors to the Crown, also will come to be spoken to again in its place.

"The Overture about the Qualification of Persons to Offices of Trust, has been spoken to more than once already, and needs no further Observation at this Time.

MINUTE LVI.

[Friday 10. January 1707.

Prayers said,
Rolls Called,

Address of Citizens, Burgeses, Trades, and other Inhabitants within the Town of *Perth*, Subscribers of the same, against an Union with *England* in the Terms of the Articles, given in and read.

Then the Overture for Exeeming Persons in any Office or Employment in *Scotland*, from taking the Oath of Abjuration mentioned in the Twenty Second Article of Union, was again read; And, after some Reasoning thereon, the Overture was past from.

Thereafter, the Overture for Additional Clause to the said Twenty Second Article, for Explaining the Word *Limitation* mentioned in the Oath appointed to be taken by *Stat. 13. W. 3. Cap. 6.* was again read in these Terms, *Likeas it is Declared, That, by the Word Limitation in the Oath mentioned in the above Article, is only under-*

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stood Entail of the Succession, and not the Conditions of Government upon the Successor; And that all Persons of Scotland, who may be lyable to take the said Oath, Swear it in that Sense only.

And, after Reasoning thereon, the Vote was put, *Add the said Clause, or not,* And it carried, *Not.*

Then, the third Overture for a Clause to be added to the said Twenty Second Article mentioned in the Minutes of the last Sederunt, was again read in these Terms, *And further, it is Agreed, That, so long as that part of the ad. Act, Anno 25. Ch. 2d. Appointing a Sacramental Test shall stand, and continue in Force in England, all Persons in Publick Trust, Civil or Military, within the Limits of Scotland, shall Swear and Sign the Formula under-written, within six Months after the Commencement of the Union: And all who shall be Admitted to any Publick Trust thereafter, shall, before Exercising their said Office of Trust, Swear and Subscribe the same, to be Administred by the Lords of Privy Council, or any one of them, under the like Penalties and Disabilities, as are provided by the foresaid Act made in the Parliament of England.*

Follows the Formula, *I A. B. Do sincerely and solemnly Declare, in the presence of GOD, That I owne the Presbyterian Government of the Church, as by Law Established in Scotland, to be a lawful Government of the Church; And that I shall never, directly nor indirectly, endeavour the Subversion thereof, nor any Alteration in the Worship, Discipline, or Government of the said Church, as by Law Established. So help me GOD.*

And, after Reasoning thereon, a Vote was stated, *Add the Clause, or Not:* But, before Voting, it was agreed, *That the Members Votes shall be marked, and that a List of their Names, as they Vote, be Printed and Recorded.*

Then the Vote was put, *Add the Clause, or Not,* and carried, *Not.*

Thereafter, the Twenty Third Article of Union was read: And, after Reasoning thereon, the further Debate was Adjourned till the next Sederunt of Parliament, to be then proceeded upon previous to all other Business, except a Proclamation to be then brought in, for prorogating the Dyet for the choosing of Collectors and Clerks of the Supply in the several Shires of this Kingdom, and continuing the last Collectors and Clerks for the Term of *Candlemass* next.

The Committee appointed to meet to Morrow at Ten of the Clock in the usual place.

Adjourned till Monday next at Ten of the Clock.

O B S E R V A T I O N LVI.

“ This whole Day was taken up in debating the Subject of the Word *Limitation*, mentioned in that Famous Act of 13th W. 3. in England —; Some had alledged, That, by that Act, if any Person took upon him the Crown of England, unqualified by any of the Articles therein-named, the Allegiance

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Sworn was not due, and that the Subject would be thereby obliged, by his Oath, to oppose such Successor; Others had declared the Limitations to mean nothing but an Entail of the Succession by Parliament, without any Conditions of Government; and upon these seeming Uncertainties, the Persons that moved this Clause demanded an Explanation; but it was, upon the whole, not thought proper to undertake any Explanation of an Act, which, as it stood, seemed sufficient to settle the Protestant Succession, and could not hurt the present Scheme, since, so far as it might oppose any Branch of the Union, it was provided against in the Twenty Fifth Article; And to put any Construction upon it, which might be inconsistent with the *English* Affairs, would be but to lay a Stumbling Block in the way of the Union, and therefore this Project was also rejected.

The Affair of the Sacramental Test had been mentioned before, but never so plainly moved in Parliament as now; It had been moved in the Commission of the Assembly, and great Endeavours had been used, to bring the Ministers in, as Objectors, and a *Formula* like this had been proposed there, as is noted already, but it failed on their side; The Ministers were, in the first place, not willing to meddle with Things of that Nature; And, secondly, As to the *Formula*, many of the Ministers gave their Opinion, That they did not approve of Imposing any Oath, or Acknowledgment of the Church, as a Test of Civil Employment; And, to have an Oath of Acknowledgment to the Church of *Scotland* be a Counter Test, was a Tacit Approbation of the Method practised in *England*, which they detested.

Others again were of the Opinion, That the Subjects of *Scotland* were already, by the Union, Exempted from the Sacramental Test in *England* by two several Clauses —; 1. In that the Subjects of both Kingdoms were, by the Fourth Article of the Union, to enjoy equal Privileges and Encouragements —; And, 2. That, by the Act, for the Security of the Church Government, no Oath was to be Imposed upon the Members of the Church of *Scotland*, contrary to their Principles —; In arguing the first of these, it was alledged, That, if a Subject of *Scotland* taking the Sacrament in the National Establish'd Church of *Scotland*, shall not be capable of any Place of Preferment under the Government of Britain, as well as a Subject of *England* taking the Sacrament in the National Establish'd Church of *England*; Then, do not the Subjects of either Kingdom enjoy Equal Privileges —; And lastly it was argued, That, by the last Article of the Treaty, the Sacramental Test might be understood to be actually Repealed, as Contraveining the Equalities of the Treaty.

Upon these Debates it was thought, That, to meddle with this Matter, might do much more Harm than Good; And

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therefore, it was first let fall without Doors, and now rejected within, and the Article pass'd without it.

M I N U T E L V I I .

Monday 13. January 1707.

*Prayers said,
Rolls Called,*

Then the Twenty Third Article of Union was again read, and after some Reasoning, an Overture was given in for adding a Clause thereto in these Terms, *With this express Provision, That none of the Peers of Scotland shall have personal Protection within Scotland for any Debts owing before the Commencement of the Union.*

As also another Overture was given in for adding a Clause thereto in these Terms, *That all the Peers of that part of Great Britain, now called Scotland, Qualified according to Law, shall, after the Union, have Right to Sit Covered in the House of Peers of Great Britain, notwithstanding that the Right to give Vote therein belongs only to the said Sixteen Peers, who are to be Summoned in the manner appointed by the preceeding Article.*

And after Reasoning upon the said two Overtures, and upon two separate Motions, the First in relation to allowing all the Peers of Scotland to sit upon the Tryal of the Peers of Britain; And the other in relation to their Precedency according to their Patents: The Vote was stated in these Terms, *Approve the Twenty Third Article of Union, or alter, reserving intire the Consideration of the above two Overtures, and whether the same shall be added to the Article, and it carried, Approve.*

Then the first Overture for the Clause, in relation to personal Protection, was again read; and after Debate, it was put to the Vote, *Add the Clause, or Not:* And it carried, *Not.*

Then after, the second Overture, or a Clause, in relation to all the Peers of Scotland, their sitting Covered in the House of Peers of Great Britain, was again read, and after Reasoning, the Vote was put, *Add the Clause, or Not.*

But before Voting, it was agreed, That the Members Votes shall be marked, and that the List of their Names, as they shall Vote, be Printed and Recorded.

Then it was put to the Vote, *Add the Clause, or Not,* and it carried, *Not.*

Adjourned till to Morrow at Ten of the Clock.

O B S E R V A T I O N L V I I .

“ The Debates of this Day related wholly to the Privileges of the Peers, and particularly to the differing Privileges of

of those who were to sit in the Parliament of *Great Britain*,
 from those who were not, *i. e.* for the time they were to sit;
 Some would have had it, That those that did not sit, should
 have no manner of Privilege, any more than as a Common-
 er, till such time as they should come to sit by Election in the
 House of Lords, and then those that were formerly sitting
 Peers, or Parliament Lords, became divested of all their Pri-
 vileges, unless they were of the New Election —; Some
 thought, the Gentlemen, who were of this Opinion, moved
 it chiefly, to bring the Peers into a Distaste of the Union,
 (all other Hopes being now almost over, as to the Union on
 the Side of *Scotland*) —; And that the Nobility being
 thereby, as it were, degraded of their Characters, would
 think it too great a Hardship, and so fly off from the Treaty
 in general, or fly to some Extreme on the other Hand, make
 ing some Demand which the Peers of *England* would not
 submit to.

“Others, it was thought, had this further View in the Pro-
 posal, for Levelling the *Scots* Nobility that were not sitting
 Peers with the Commons, That they designed to propose the
 unfitting Lords to be capable of being Elected into the House
 of Commons, and sitting in the Lower House.

“This was received with some Resentment, as a great
 Dishonour to the Peerage of *Scotland*, by some people, and
 especially without Doors; The *English* were Upbraided with
 endeavouring to have it so—, in order to lessen the Cha-
 racter of the Nobility of *Scotland*. But in this they wrong'd
 their own Judgment, as well as the *English* Nation, since, had
 such a Thing been offered, it had been rejected in *England*,
 as Unequal and Injurious to the Equality we have been so
 often speaking of, as the Ground of the whole Treaty—.
 Nor could it have been Consented to in *England*, since it had
 been a bringing the *Scots* Nobility into too great an Infl-
 uence of Parliamentary Affairs, when sixteen being already
 judged sufficient; there might be now Sixty One *Scots* Lords
 in every Parliament, *viz.* Sixteen in the House of Lords, and
 Forty Five in the Commons; Which, when any Thing re-
 lating, especially to the Nobility, or to the Privileges of one
 House against the other, might turn the Ballance to this or
 that side, to the manifest Injury of the Constitution, which
 now consists in the Equality of Powers and Privileges, and
 the due Limits set between each kind, to prevent their In-
 croachment upon one another.

“But the Wisdom and Modesty of the Nobility of *Scotland*,
 prevented this—; and the Article had been so well con-
 sidered at *London*, and was so warily Worded, that there
 was Room for little or no Exception on behalf of the Peers:
 For 1. As to Privileges, the Sixteen Peers, or the Peers of
 Parliament for the Time being, had effectually all the Privi-

leges of the Peers of *England* in the utmost Extent, and all the Privileges they ever after could receive, could not be received but in Common with the said Sixteen; Nor could any Exception be made to it, Whether in the Cases of Parliamentary Privileges, or the personal Privileges in case of Trying of Peers, or being Tried as Criminals.

"2. The remainder of the Nobility enjoyed Privileges, every way equal to the *English* Nobility, excepting only, *as it is in the Article*, the Rights of sitting in the House of Lords, and the Privileges depending thereupon.

"But the great Debates of this Day began upon this Clause, The Rights and Privileges of the *Scots* Nobility who were not Lords of Parliament *for the Time being*.

"And First it was moved to be excepted, That the said Lords should not enjoy the Privilege of personal Protection in Cases of Debt, as is the Privilege of the Peers of *England*——; Some alledged they pleaded for the Honour of the *Scots* Nobility in this Head, that it was below their Dignity to be protected by their Titles against their just Obligations, and a Meanness they had all along Contemned, to plead the Privilege of their House against the proceedings of the Law; That it was not agreeable to the true Intent and Meaning of Parliamentary Privileges, that this Privilege should extend to those that did not sit in Parliament, since the Privileges of Parliament of this kind, were at first appointed to provide against any Impediment to sitting in Parliament, that the Members of either Houses should on no pretence what ever, be hindred from the Service of their Countrey in Parliament——; And this could not be of any Signification in those Peers that were not sitting Members of the House of Lords; That for the *Scots* Peers to claim Protection for their Persons against their just Debts, was more than levelling their Persons with the Commons, for it was setting them below the Commons, since no Man would then Trust the Nobility in Matters of Debt, without some Commoner being Security for them, against whom they might have remedy at Law.

"These Objections had no little Weight, and this Privilege of the Persons of the Peers in Cases of Debt, seemed at first View, very grievous to *Scotland*, and some of the Peers themselves looked upon it as Dishonourable.

"But when it was calmly Considered and Answered, That the Persons of the Peers in *England*, are accounted Sacred on several Accounts, besides those of Debt——, that even the Government can not proceed against a Peer, but in an Extraordinary way, that no Warrant can be Executed in the House of a Peer, but by Three Justices of the Peace——; And that there are several necessary Exemptions to the Peerage which this Privilege preserves, besides that of Debt——; And which, as they are the Hereditary Counsellors of the Nation,

Nation, and have frequently Great Trusts committed to them
 — ; And both are, and ought to be a great and ready
 Assistance to the publik Good, upon sudden Emergencies,
 which, upon pretence of Arrests and Attachments for Debt,
 may be prevented. That as to the Justice of Personal Pro-
 tection in case of Debt, it was Answered, Their Estates were
 not protected in several Cases, only their Persons — ; And
 it was as Reasonable to pursue the Estate, as the Person of the
 Debtor —, and especially in *Scotland*, where the Law
 reaches the Effects of the Debtor, tho' on personal Bonds
 —. That as to the Credit and Honour of being protected
 against just Debts, it would be much more for the Honour of
 the *Scots* Nobility, that they gave all Men Notice, That they
 despised the Advantage of their personal Credit, and since
 they could not Sue a Nobleman, they might Decline Trusting
 them, and welcome : And for those that were Trusted, tho'
 they could not be Sued, it was yet greater Reputation to
 them, that the principle of Honour in them was so well
 known, that Men would depend upon their Honour, where
 they could not otherwise oblige them to make payment.

Upon these, and the like Considerations, this Motion was
 Rejected, and the *Scots* Nobility by virtue of that Clause in
 the Twenty Third Article, *And shall enjoy all other Privileges*
of Peers, as fully as the Peers of England now do, or as they, or
any other Peers of Great-Britain may hereafter enjoy the same ;
 are protected in their Persons and Estates as the Peers of
England are —, whether they (the *Scots* Peers) are
 Peers of Parliament at that Time, or no.

The next Dispute was, a Privilege demanded for the Peers of
Scotland, that they, not being of the Parliament at that Time,
 might sit in the House of Lords Cover'd, &c. but not have any
 Right to Vote — ; This was Urged many ways, either that
 they might have a Gallery to sit in as Spectators, or that they
 might stand behind the Throne, as the eldest Sons of the
English Peers may — ; And either of these, was thought,
 might have been obtained —. But the main Design of
 bringing them in to be present at Debates, to Argue, Speak
 and Debate upon the several Matters that should be brought
 before the House, this was Opposed upon several Accounts; *First*,
 As it was thought Impracticable, and an Invasion of the House
 of Peers as a House, and what could not be obtained, if
 pusht at. *Secondly*, As it was thought an Insignificant Thing,
 to have persons to sit and argue, who had no power to De-
 termine. And *Thirdly*, As it would be far from any Honour
 to the Nobility of *Scotland*, to be admitted into Debates,
 where they must always have the Mortification of being
 distinguished, and like meer Solicitors, whose place is with-
 out the Bar, be allowed to Talk, and yet have no signification
 in a Question — ; But if the House divided, be obliged to

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stand

‘stand all together like Mutes in an Alphabet; who have no
‘found in the Expression of a Syllable.

“ And thus ended the Debates of this great point, the Pri-
‘vilege of the Peerage, and the Article received no manner
‘of Alteration.

MINUTE LVIII.

Tuesday 14. January 1707.

*Prayers Said,
Rolls Called,*

Then the Twenty Fourth Article of Union was Read, where-
upon a Memorial was given in for the Lyon King at Arms, in relati-
on to his Precedency, which being Read, after Reasoning, It was
moved, That the Rank and Precedency of the Lyon King of Arms
be left to Her Majesty, and that next to these Words in the said Ar-
ticle, viz. *And that the Quartering the Arms*, these other Words,
viz. *And the Rank and Precedency of Lyon King of Arms of the King-
dom of Scotland*, be added.

And it being also moved, That his Rank should be insert in the
said Article, to be immediately next after, *Garter principal King of
Arms in England*, after Debate it was put to the Vote, add the
above Words, *That the Rank and Precedency be left to Her Majesty,*
or insert the Rank and Precedency, and it carried add the Words.

Which being accordingly added, there was another Clause of-
fered to be added to the said Twenty Fourth Article, in these
Terms, *And the Crown, Scepter and Sword of State, Records of Parlia-
ment, and all other Records, Rolls, and Registers whatsoever both
publick and private, general and particular, and Warrants thereof, con-
tinue to be kept as they are, in that part of the United Kingdom now
called Scotland, and that they shall so remain in all time coming, not-
withstanding of the Union*, which being Read, the same was agreed
to be added, and was accordingly subjoyned, and the Article as
amended read over.

Then the Vote was put, Approve of the Twenty Fourth Article
of Union as amended, or not, and it carried Approve.

Thereafter the Twenty Fifth Article of Union was Read, and
after Reasoning thereon, the Vote was put, Approve of the Twenty
Fifth Article or not, and it carried Approve.

Moved that a Dyet be appointed for considering the manner of
Electing the Representatives for Scotland to the Parliament of Great-
Britain, and agreed that the Motion be intire next Sederunt of
Parliament.

Adjourned till to Morrow at Ten of the Clock.

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OBSER-

OBSERVATION LVIII.

“The Debate of the Rank and Precedency of the Heralds, and of the Quartering of Arms, the Standards and Colours was a Thing of no great Consequence, nor could it be referred to any Body better than to Her Majesty; and therefore the Dispute of this was not long.

“The keeping the Honours, as they called them, in Scotland, viz. The Crown, Scepter and Sword, was indeed a Material Point, at least, as it had been made so by some Gentlemen, who had pretended to excite the Common People with Apprehensions, That they were to be all carryed away to England, as Tokens of Surrendering the Sovereignty of Scotland to the English —; But, as no such Thing was ever thought of in England, the Proposal met with no Opposition; And some people thought, That not only the Ensigns of Royalty, but the Royalty it self, Sovereignty and Government of Scotland, remain as intire, as the same Things respecting England remain intire, either Kingdom voluntarily consenting to an Union of Power, an Union of Government, and of all Things needful to preserve both.

“The last Article, respecting the Abrogation of all Laws, which might be supposed to Contravene the Treaty, met with no Opposition at all.

“And thus this Weighty Affair was Finished on the Side of Scotland, contrary, I believe I may say, to the Expectation of all the World, who were amazed to see a Thing of that Consequence, and with Difficulties which seemed in themselves insuperable, so successfully brought to a Close; A Thing which had been so many Times attempted in vain; A Thing which had so often been set about, rather in a Show than Design of Uniting; And I think I may say, a Thing that never was heartily set about on both Sides before.

“It had held the Parliament of Scotland a Long, a Troublesome, a Dangerous, and I must owne a very Uncomfortable Debate, Step by Step, and Article by Article, from the Third of October to the Fourteenth of January, with very little Intermission, for never was Business closer applyed, more strenuously pushed, or more vigorously opposed.

“The Work that remained (I mean to the Parliament) was but short, and I shall do little more than relate the Fact, which will be found in the Minutes of Parliament —; And I shall set them down in their Order, omitting what relates to private Business, as not material here —; Since I can very ill spare Room for any thing, but what relates immediately to the Business, and agrees with the Title —

MINUTE LIX.

Wednesday 15. January 1707.

*Prayers said,
Rolls Called,*

Draught of an Act Ratifying and Approving the Treaty of Union of the two Kingdoms of Scotland and England, given in and offered to be Read.

Whereupon it was moved, That the Parliament should first proceed to the Constitution of the manner of Electing the Representatives for Scotland to the Parliament of Great Britain, and either now to determine that Matter, or to appoint a Dyet for that End.

And after Debate the Vote was stated, *Proceed to the Ratification of the Treaty of Union, and Act for Security of the Protestant Religion and Presbyterian Church Government, or to the Constitution of the manner of Electing the Representatives for Scotland to the Parliament of Great Britain.*

But before Voting, It was agreed, That, in case it shall carry to proceed to the Ratification, the Parliament will immediately, after passing the Act of Ratification, proceed to the Constitution of the manner of Electing the Representatives for Scotland.

Then the Vote was pur, proceed to the Ratification or Constitution, and it carried Ratification.

Thereafter the Draught of the Act, Ratifying, Approving, and at length Narrating the Articles of Union as Enlarged, Explained and Amended, and the Act for Security of the Protestant Religion and Presbyterian Church Government, was Read.

And after some Discourse, it was put to the Vote, Mark a first Reading on the Act or not, and it carried, Mark a first Reading; and accordingly a first Reading was marked thereon.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION LIX.

“ The Articles were now gone through, and finished as before —, yet there remained two Things to be done in order to Compleating the Affair, so far as referred to Scotland; One was to pass the Act of Security for the Presbyterian Church Government in Scotland, which was to be Ingrossed and Inserted in the Body of the Act of Union, & made a part of it —; And then, to pass in Parliament some subsequent Acts, which being previous to the Treaty, or depending upon it, ought to be Finished in Parliament before the Union, and would be of Course Confirmed by it, by virtue of the Eighteenth Article, Continuing and Confirming all Laws and Acts then in Force, except such only as came within the Reach of
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* the Twenty Fifth Article, viz. Such as were contrary to,
* and inconsistent with the Union.

" These were, 1. An Act to Settle and Determine the Con-
* stitution of the Manner of Electing the Representatives for
* Scotland in the ensuing Parliament of Great Britain. 2. An
* Act for Plantation of Kirks, a Thing long wanted in Scotland,
* together with the Valuation of Teinds or Tithes, and about
* the Reversions of Kirk Lands. 3. For the Settling the pub-
* lick Debts, Disposing and Appointing the Equivalent, i. e.
* The Payment of it according to the true Intent of the Treaty,
* Adjusting the Affair of the African Company, &c. which
* was now under Reference to a Committee.

" These Things were necessary Adjuncts to the Treaty —;
* But as the Act of Union it self was the Foundation, on which
* all these Things were depending, and that there was a great
* deal yet to be done to it, viz. To be Ingrossed and pass'd
* into an Act, and sent to London; The Interval of Time,
* after the main Affair should be dispatched, was thought the
* proper Season to Settle, Pass and Enact all these Things;
* wherefore they resolv'd to go first to Work with the Act,
* and that no Time might be lost, the Act had been drawing
* up, with all the Amendments to every Article, as they had
* pass'd in the House, and was ready to present to the House
* this Day —; And, as per the Minute, obtained a first
* Reading, all other Business being delayed —.

• MINUTE LX.

Thursday 16. January 1707.

Prayers said,
Rolls Called,

Draught of the Act, Ratifying and Approving the Treaty of Union
of the Two Kingdoms of Scotland and England, Read a second time.

Then the Act for Security of the Protestant Religion and Presbyteri-
an Church Government, which is Insert in, and Ratified by the
above Act, was touch'd with the Royal Scepter by Her Majesties
High Commissioner in the usual manner.

Representation and Petition of the Commission of the General
Assembly of the Church of Scotland given in and Read.

And after Reasoning upon the Act and Representation, the Vote
was stated, Approve of the Act or Not.

And before Voting, It was agreed, That the Members Votes be
Marked, and that the List of their Names, as they Vote be Printed
and Recorded, and the Lord High Chancellor was allowed to have
his Name Marked, Printed and Recorded as an Approver.

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Likeas a Protest was given in for the Duke of *Douglafs*, and read in these Terms, " We Undersubscribers, Tutors, Testamentars to his Grace the Duke of *Douglafs*, whereof Three is a *Quorum*, in Name and Behalf of the said Duke; *Forasmuch as*, his Grace the Duke of *Douglafs*, and his Heirs, has, by their Investitures and Honours of the Estate of *Douglafs*, (in Consideration of the Great and Faithful Services done and performed to this Crown and Kingdom by his Ancestors) provided to them the Honour of Leading the Van of the Arms of *Scotland* in the Day of Battel, the Carrying of the Crown of *Scotland* in Processions, and giving the first Vote in all Parliaments, Councils, or Conventions in *Scotland*; And likewise, by the Twentieth Article of the Union, all Heretable Offices are reserved to the Owners, as Rights of Property, in the same manner as they are now enjoined by the Laws of *Scotland*, notwithstanding of this Treaty; Whereby his Graces foresaid Offices and Privileges, by Parity of Reason and Justice, ought to be preserved. Yet, seeing the intite Union of the Two Kingdoms will be attended with an Union of their Arms, Crowns and Councils, whereby his Graces Offices and Privileges may seem to be of more difficult Explication, his Graces Tutors and Guardians, in his Pupillarity, do now, before the Treaty be Ratified in this Parliament, judge it indispenibly their Duty, for his Graces Interest, in his Name and theirs Undersubscribers, as Tutors to him, with all Humility, to Protest, That the said Treaty may not, in any sort, prejudge the Honours and Privileges belonging to his Grace and Successors, which have been the Glorious Rewards and Marks of Honour to the Illustrious Families of *Douglafs* and *Angus* for their Loyalty, Great and Faithful Services to the Crown and Kingdom of *Scotland*; and that this their Protest may be Received and Marked in the Minutes and Records of Parliament.

As also, Another Protest was given in by the Duke of *Hamilton* in these Terms, " *Forasmuch as*, there is a Protestation made in Behalf of the Duke of *Douglafs*, in relation to his Pretensions of having the first Seat and Vote in Parliament: Which Protestation, being altogether Groundless, Therefore, I *James Duke of Hamilton* do Protest in the contrary, in regard, that none of the said Duke of *Douglafs* his Predecessors has, or enjoyed any such Privilege, since there were Dukes or Marquisses Created in *Scotland*, and my Predecessors were Dignified with Patents of Marquis and Duke successively, long before he or his Predecessors had the same. Secondly, *William Earl of Angus*, the said Duke his Predecessor, did, upon the Fourth Day of *June* One Thousand Six Hundred and Thirty Three Years, Resign all Right and Claim, that he, or his Predecessors, or Successors, had, or should have to that Privilege of first Sitting and Voting in Parliament, in His Majesties Hands: Which Resignation is Registered in the Books of Parliament, the Twentieth Day of the said Month of *June* One Thousand Six Hundred and Thirty Three Years. Thirdly, I and my Predecessors have been in continual Possession of having the first Seat, and

and of first Voting in Parliament, and have been first Called in the Rolls of Parliament past Memory of Man: And upon this Protestation: I take Instruments, and desire the same to be Inserted in the Records of Parliament.

And the several Protestors, or Ingivers, took Instruments upon their respective Protests.

Then the Vote was put, Approve of the Act, Ratifying and Approving the Treaty of Union of the Two Kingdoms of Scotland and England, Yea or No; and it carried, Approve.

And the Act was thereafter Touched with the Royal Scepter by Her Majesties High Commissioner in the usual manner.

The Committee appointed to meet to Morrow at Nine of the Clock.

Adjourned till Monday next at Ten of the Clock.

Q B S E R V A T I O N L X.

The Act for the Union admitted of no Debate, the Articles having been Voted and Approved One by One, as is

seen at large: So there was nothing to do, but to put the Question upon, and to mark it a second Reading, according to the custom of the Parliament of Scotland.

The Church Act was to be inserted in the Body of the Act of Union, as a part of the Treaty, and yet it was to be passed into an Act by itself, and Touched by the Scepter in Form as an Act of Parliament, before the Act of Union was passed,

AND IT WAS ACCORDINGLY DONE SO AS per the Minute; So that the Act for the Establishment of the Church of Scotland, received a double Sanction in this Parliament: It was

not Enacted singly by the Union, as an Effect of the Treaty, but was Established by a Law before the Union, and again

Repeated in the Body of the Treaty of Union, as a Ratification only, or Recognition of what before was an Established Law of the Kingdom.

Of the first Representation and Petition of the Commission of the General Assembly, I have spoken already at large;

There was some little Debate about it now, but it made no Alteration in the Act of the Church, but it past as it had been before settled.

However, that it may be seen what Addition was made to the first Overture, I have added both the Overture as first given in, and the Act as it was passed in Parliament, and

what more was required, will be seen in the Representation of the Commission; All which are added in the Appendix.

It is to be observed here, That there was a second Representation and Petition presented to the Parliament this

Day from the Commission of the General Assembly, upon the following Occasion.

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“ The Church of *Scotland* having been effectually secured by
 ‘ an Act of Parliament, called, *The Act of Security*, &c. and
 ‘ which was made a part of the Act of Union, as appears in its
 ‘ place; There was a Clause added in the End of the Act of
 ‘ Union, in these Words; *Declaring nevertheless, that the Par-*
 ‘ *liament of England may provide for the Security of the Church*
 ‘ *of England, as they shall think Expedient, to take place within*
 ‘ *the Bounds of the said Kingdom of England, and not Derogating*
 ‘ *from the Security above provided for Establishing the Church of*
 ‘ *Scotland within the Bounds of this Kingdom, which shall not*
 ‘ *Suspend or Derogate from the Force and Effect of this present Ra-*
 ‘ *tification, but shall be understood as here included, without any*
 ‘ *necessity of any new Ratification in the Parliament of Scotland.*

“ This was called, an Establishing the Church of *England*
 ‘ with the Hierarchy of Episcopacy and Ceremonies of the
 ‘ Church of *England*, by the Presbyterian Church of *Scotland*,
 ‘ I have for the more direct Understanding this Part, given the
 ‘ said Representation and Petition in the *Appendix N^o K x.*
 ‘ with the Reasons at that Time given for it, to which I re-
 ‘ fer.

“ I could not suffer the two Protestations of the Families of
 ‘ *Douglafs and Hamilton*, to be Omitted in the Minutes, tho’
 ‘ with respect to the length of this Work, I have Industrious-
 ‘ ly shun’d private Affairs, but the Honour of Leading the Van of
 ‘ the *Scots Armies*, which these Families Contended for, might
 ‘ give both the Kingdoms a Remembrance of what the Union
 ‘ has delivered them from, since these Armies were only such
 ‘ as within the Bowels of this poor Island Fought with, and
 ‘ shewed their Courage, in Butchering and Destroying one ano-
 ‘ ther, a Thing, its hoped, is now effectually put to an End:

“ The Affair of War is now carried Abroad, against the an-
 ‘ cient professed Enemy of all Protestant Powers, where the
 ‘ *English and Scots Valour* need no more Contend, but Unite to-
 ‘ gether, to Overthrow their Foreign Adversaries——, a Contest,
 ‘ which if they had been United in, as they are now, in for-
 ‘ mer Ages, perhaps *Europe* had paid Honours enough to Us
 ‘ before now, as to the greatest Nation in the World.

This is the Famous Day to *Scotland*, in which She set Her Signal
 to the Union of *Great-Britain*; We shall now make a short Digres-
 sion, to Enquire how it went on in the Parliament of *England*, and
 what Reception it met with there, which, because it is but very
 short, I shall bring in here, and adjourning the Minutes a little, shall
 return to them again in their Course.

Of

*Of the Act of Ratification after it was past
in the Parliament of Scotland, till the
Exemplification of it was returned from
the Parliament of England.*

The Parliament of *England* being to be the Finishers of this great Work, and the Parliament of *Scotland* not Meeting till it was late enough in the year, viz. the second of *October*; The *English* Parliament were by small Adjournments, put off, as long as it was possible the publick Affairs of *England* could permit, and longer than any Parliament since the *Revolution* had been delayed, not having Met till the Third of *December* —, when the publick Business admitting no more delay, they came together.

It is worth Observation, that this was a strange concurring Juncture, a Critical Moment, as it may be called, in which Providence seemed to bring every Thing together, that could Propagate the Great Affair of the Uniting the Kingdoms; And which it may not be Improper to Notice in this place, because at the Opening of this Session of the *English* Parliament, the Queen Her self took Notice of it.

The Campaign Abroad had Ended in the most Glorious manner for the Confederates, that could be desired, and above all manner of Expectation, the *French* had received three Blows that very Summer, enough to Overthrow the greatest Empire in the World; One under the Conduct of the Earl of *Peterburgh*, with the *English* Forces and Fleet in the *Mediterranean*, Relieving the City of *Barcelona*, and causing the *French* with the Loss of all their Cannon and Ammunition, to raise the Siege; One under the Command of the Duke of *Marlborough*, being the great Victory at *Ramellies* in *Flanders*; And the last under the Command of Prince *Eugene* of *Savoy*, at *Turin*. In all which Actions, it was Calculated, that the *French* lost, Slain in Action, Taken Prisoners, Deserted, and Dead of their Wounds, above 100000 Men, with 300 pieces of Cannon and Mortars, and other Spoil without, and indeed past all manner of Account.

There are two Reasons, why I take this Occasion to mention this here —, and both are Introductory to the present Affair.

1: The People of *England* by these great Successes, made Glad and Easie in Hopes of a speedy Peace, were prepared to Grant almost any thing which the Queen in Reason could Ask, and the Queen discovering a passionate Desire, to see Her two Jarring, long Contending Kingdoms United, the Parliament came together with a Temper disposed to yield (as far as Reason could suggest) more, than perhaps at any other Juncture could have been expected.

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2. The Enemies of the Union, whether Abroad or at Home, received most sensible Discouragement in their Designs against it —, and first Abroad.

There could be but two kinds of Enemies Abroad, to the Union, and these were the *French*, or the *Dutch*.

As to the *Dutch*, they were now in so close a Confederacy with *England*, and their whole Concern as to the War, was so involved together, that there was no Room for any publick Differences about it. Nor indeed could the *Dutch* have put in any rational Objection against it, to either Side, if the Interest of *Holland* Clash'd with the Union upon any sort, it was only with respect to Trade; and tho' they might perhaps on that Score, have some Reason to be Jealous of it, as what might *some Time or other* Clash with them in the Fishing and Eastern Trades, yet they could have no pretence to concern themselves publickly and Nationally against it. And as for private Negotiations to Embarrass or prevent it, tho' as *I have been Informed*, they were once or twice considering of it, yet they never thought fit to meddle, whether it was that they saw no prospect of succeeding in it, or that they were not willing to do any thing at that Time, that should give an Uneasiness to *England*, or not, I shall not pretend to Determine.

2. The *French*, these had no doubt Stomach enough to it, and had Tools enough to work with; And I must own, had they but made the least Attempt, they had effectually broke up the Treaty for that Time; But GOD had tyed their Hands, and Cut them out other Work, they were beset and Embarrass'd on every Hand, and had no Leisure to look this way; Nor, if they had had Leisure, had they Men or Money then to spare, being Employed with all their Power and Diligence, to Recruit their Troops, and Restore their own Affairs.

And I cannot but Record this, as a singular Hand of Heaven, in the Affair of the Union; For tho', when the next year the *French* did make an Attempt upon *Scotland*, when their Affairs being bettered after their Success in *Spain*, they thought themselves in a Condition for it —, they found it too late; And that the Opposers of the Union were settled, and would not appear for them —, yet I must say, had they made that Attempt at the Time of this Treaty, whatever they might have done in the End, towards Opening the Eyes of the People, and Restoring them to their Senses, they had certainly put all the Nation into the utmost Confusion for the Time, and effectually have broken up the Treaty.

The Parliament of *England* was now Met December 3. 1707, & the Queen Opened the Session with the following Speech, which I Insert here, as it refers to the Treaty of Union, and also as it Hints at the Successes I mentioned above.

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The QUEEN's Speech to the Parliament of England.

On *Tuesday* the Third of December, 1706.

My Lords and Gentlemen,

I Hope We are all Met together at this Time, with Hearts truly Thankful to Almighty GOD for the Glorious Successes, with which He has Blessed Our Arms and those of Our Allies through the whole Course of this Year, and with Serious and Steady Resolutions to Prosecute the Advantages We have Gain'd, till We Reap the Desired Fruit of them, in an Honourable and Durable Peace.

The Goodness of GOD has brought this Happy Prospect so much nearer to Us, that if We be not wanting to Our selves, We may, upon good Grounds, Hope to See such a Ballance of Power Establish'd in *Europe*, that it shall no longer be at the Pleasure of one Prince to Disturb the Repose, and Endanger the Liberties of this Part of the World.

A Just Consideration of the present Posture of Affairs, of the Circumstances of Our Enemies, and the good Disposition of Our Allies, must needs Excite an Uncommon Zeal, and Animate Us to Exert Our Utmost Endeavours at this Critical Conjunction.

Gentlemen of the House of Commons,

As I am fully Perswaded You are all of this Mind, so I must Earnestly Desire You to Grant Me Supplies sufficient for Carrying on the War next Year in so Effectual a Manner, that We may be able to Improve every where the Advantages of this Successful Campaign: And I Assure You I shall make it my Business to See All You Give Apply'd to those Ends with the greatest Care and Management.

My Lords and Gentlemen,

In Pursuance of the Powers Vested in Me by Act of Parliament both in *England* and *Scotland*, I have appointed Commissioners to Treat of an Union between the Two Kingdoms, and tho' this be a Work of such a Nature, as could not but be attended with great Difficulties, yet such has been the Application of the Commissioners, that they have Concluded a Treaty, which is at this Time before the Parliament of *Scotland*; And I Hope the Mutual Advantages of an Entire Union of the Two Kingdoms will be found so apparent, that it will not be long before I shall have an Opportunity of Acquainting You with the Success which it has Met with there.

Your Meeting at this Time being Later than Usual, I cannot Conclude, without Earnestly Recommending to You to Give as

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much Dispatch to the Publick Affairs, as the Nature of them will Admit, it being of the Greatest Consequence, that both Our Friends and Our Enemies shou'd be Fully Convinced of Your Firmness, and the Vigour of Your Proceedings.

I shall not meddle here with any of the Proceedings of the Parliament of *England* in their own Affairs, they having no relation to the Case in Hand; Only make this short Remark, That, notwithstanding the Lateness of their coming together, *the Occasion of which was known to be to attend the Debates of the Parliament of Scotland*, they fell so heartily about their Business, and went on so smoothly in every Thing, that they got the Land Tax Bill past rather sooner in it than it used to be in any former Parliaments—; And before *Christmases*, had not only the Land Tax, but several other of their Publick Funds settled, and in an unusual Forwardness —, which is a Confirmation of the Extraordinary Disposition, which, as I have noted, appeared in *England* at this time, and of which we shall see further Instances presently.

It was the Sixteenth Day of *January*, that the Ratification of the Union pass'd in *Scotland*; On the Eighteenth the Duke of *Queensberry* dispatch'd it away by an Express; There were several Gentlemen who contended for the Honour of Carrying it up to the Queen, but, to avoid giving any Offence, it was sent by an ordinary Courier or Express.

As soon as it came to the Queen, Her Majesty caused it to be laid before both Houses, that, tho' it was first to pass one House, and then the other, yet the particular Houses might be upon the several Articles together.

Great was the Expectation in both Kingdoms from these Debates of the *English* Parliament, and in *Scotland*, the Fears on one Hand, and the Hopes on the other, are not to be express'd —, but the House of Commons deceived both Sides.

On the Twenty Second of *January* it was read in the House of Commons —, and as the best way to go thro' the whole, they ordered every Article to be Read and Voted upon singly in the Committee of the whole House.

It may perhaps surprize Posterity, when the *Debates, Disputes, Heats* and long *Speeches*, which these Articles occasioned in *Scotland*, come to be read —, and they shall come to understand, that, in the House of Commons in *England*, every Article pass'd one by one after the Sedatest Reading, Calmest Considering, and Leasurely Proceeding, without any Opposition, Amendment or Alteration, no not in the least.

There was some small Opposition against it in general in the House of Lords —, but no Amendment offer'd to any particular Article, nor any thing considerable objected; what was objected seems generally contained in some Protests, and Reasons given in by the Persons Protesting against it, which were but few, and not much noticed.

At the same time that the Articles were Reading in the House of Commons, an Act was also prepared by the Bishops, to whom that Affair was referred for Security of the Church of *England*, to be passed in the Parliament, and then Ratified, by being Inserted in the Body of the Act of Union, as the Act for the Security of of the Church of *Scotland* had been done before.

This had been so far provided for by a Blank left in the Treaty of Ratification. to which, so far as it concerned the Security of the Church of *England* only, the Parliament of *Scotland* declared themselves to assent, as if it was expressed; And this was thought but just, the Parliament of *Scotland* having had the Drawing up, and Wording of their own Act of Security themselves, tho' some People made loud Objections against this, as a plain Establishing Episcopacy in *England* by the very Parliament of *Scotland*.

It was indeed leaving the Thing as Self-existent, as it was possible, it was absolutely necessary, That the Treaty of Union should be Ratified by either Kingdom —; But, as to the Acts severally Establishing the respective Churches, they were the distinct Act and Deed of either Kingdom: And, if the *Scots* may be said to have Consented to Establish Episcopacy, it is every whit as plain, That the *English* have Establish'd Presbytery in *Scotland*, with this further Distinction, That what has been done in *Scotland*, is an Act of the State only, in *England* both Church and State have given their Sanction to the Establishment of the Presbyterian Church of *Scotland*, the Bishops being the Representatives of the Church of *England* in this Case —; At the same Time, I think the Matter clear, That, with respect to Union, their Establishment is Reciprocally secure, and either Kingdoms cannot now put their Hand to the Weakening or Injuring the Establishment of the other, without setting, at the same time, its Hand to the Destruction of its own Constitution.

This Act for the Security of the Church of *England*, seems to be the exact Copy of the Act for Security of the Church of *Scotland*, with the necessary Alterations only of Names, &c. A Testimony indeed unexpected to the Sufficiency of the Act of Security for *Scotland*, in that the Church of *England* Divines being left to their full Liberty to make their Constitution as safe as it was possible to be, contented themselves with the very same Model which the *Scots* had pass'd for themselves, as the best and compleatest Security they could devise —, which they that cavilled so much at the Security of the Act in *Scotland* as insufficient, might have received great Satisfaction from, if they had thought fit —.

The Copy of this Act in *England* is added in the Appendix, N^o. H. xx.

I need not Count Days, nor Enter into the Minutes of this Affair in the *English* Parliament; It may suffice to tell the Reader, That the whole Act pass'd both Houses by the Fourth of *March*, and the Queen pass'd it on the Sixth: It was designed to have delayed the passing it to the Eighth, which was the Day of Her Majesties

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coming to the Crown; That so the Day might have been doubly Remembered, for the Commencement of Her Majesties Reign over the Three Kingdoms first, and then over the United Kingdom of Britain; But Her Majesty, not willing to delay a Thing which the whole Island waited so much for, and had their Eyes upon, went to the House of Lords on the Sixth of March, and having pass'd the Bill, made the following Speech, with which I think I may close this short Period of the Union, I mean its passing in England.

"There was some Opposition made to the Articles in the House of Lords in England, and some Lords Protested against the several Articles, and some against all of them —; But the House of Lords in England having expressly forbid the Printing any of the Proceedings of their House, I cannot enter upon the Historical Part of it; I hope something like an Abridgment of some Matters, &c. may be found in the Appendix, N°. A xx.

The QUEEN's Speech to the English Parliament, at the Passing the UNION.

My Lords and Gentlemen,

It is with the greatest Satisfaction, that I have given my Assent to a Bill, for the Uniting England and Scotland into one Kingdom.

I consider this UNION as a Matter of the greatest Importance to the Wealth, Strength and Safety of the whole Island; And at the same time, as a Work of so much Difficulty and Nicety, in its own Nature, That, till now, all Attempts which have been made toward it, in the Course of above an Hundred Years, have proved ineffectual: And therefore I make no doubt, but it will be remembered and spoke of hereafter, to the Honour of those who have been Instrumental in bringing it to such an Happy Conclusion.

I desire and expect from all my Subjects of both Nations, That, from henceforth, they Act with all possible Respect and Kindness to one another, That so it may appear to all the World, they have Hearts disposed to become one People.

This will be a great Pleasure to Me, and will make Us all quickly sensible of the good Effects of this UNION.

And I cannot but look upon it as a particular Happiness, That, in My Reign, so full a Provision is made for the Peace and Quiet of My People, and for the Security of Our Religion, by so firm an Establishment of the Protestant Succession throughout Great Britain.

Gentlemen of the House of Commons.

I have this Occasion to Remind You of making effectual Provision for the Payment of the Equivalent to Scotland, within the time appointed

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pointed by this Act; And I am perswaded You'll show as much Readiness in this Particular, as You have done in all the other Parts of this great Work.

My Lords and Gentlemen,

The Season of the Year being now pretty far advanced, I hope You will continue the same Zeal which has appeared throughout this Session, in dispatching what yet remains unfinished of the Publick Business before You.

It took up sometime in *England*, to Ingross and Inroll, and make Copies of this great Transaction, the Original of which was to be Lodged in the Tower of *London*, and an Exemplification under the Great Seal of *England*, to be sent down to *Scotland*, to be again Read in Parliament there, and then laid up in the Registers and Rolls of Parliament *in perpetuam rei memoriam*.

I must now return to the Minutes of the Parliament, where several Things subsequent to the Treaty, but really absolutely necessary to its Existence, was to be Finished, and which took them up the Time between the sending up the Ratification, and receiving down the Exemplification, as above.

The Minutes of the Parliament of Scotland continued.

MINUTE LXI.

Monday 20. January 1707.

*Prayers Said,
Rolls Called,*

Upon Reading of the Minutes, it was Moved to insert therein the Petitory part of the Representation and Petition of the Commission of the General Assembly of the Church of *Scotland*, mentioned in the said Minutes. And after Debate thereon, the Vote was stated, *Insert the Petitory part of the said Representation and Petition, Yea, or Not.*

And after further Debate, the Duke of *Hamilton* made a Motion for a State of a Vote, wherein the Petitory part of the said Petition was repeated; But that State of the Vote being reclaimed against, as yielding the Question, the Duke of *Hamilton* protested, *That he having made Motion, and being seconded, it was against the Rule of Parliament to refuse a Vote; and to insert his Motion in the Minutes.*

Then the Vote was put, *Insert the Petitory part of the above Representation and Petition in the Minutes, Yea or Not.* And it carried *Not.*

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Thereafter it was moved, That conform to the Minutes of the fifteenth of *January* instant, the Parliament proceed to consider the manner of electing the Representatives for *Scotland* to the Parliament of *Great-Britain*: Whereupon a Resolve was given in and Read in these Terms, *Resolved that the sixteen Peers, and forty five Commissioners for Shires and Burrows, who are to be the Members to the first Parliament of Great-Britain, for and on the part of Scotland, be chosen out of this present Parliament: And that the Members so chosen, be the Members of the first Parliament of Great-Britain, if Her Majesty shall declare on or before the first day of May next, that the Lords and Commons of the present Parliament of England, be the Members of the first Parliament of Great-Britain, for and on the part of England.*

And after Reasoning thereon, the further Debate was adjourned till next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

O B S E R V A T I O N LXI.

"It was not very easie to know the Reason, why they de-
 'fired the Petitory part, as they called it, of this Paper to be
 'inserted in the Minutes —; Some were of the Opinion, it
 'was to shew the Nation, That the Opposers of the Union
 'were Friends to the Church, and that they would have it ap-
 'pear, they stood up for the Church of *Scotland* —; Others
 'thought it was with design to Expose the Presbyterians to
 'the Church of *England*, as utter Enemies to their Constitution
 '—; Nor could I ever hear any other Reasons given for
 'it —. However, the Duke after having with some Di-
 'ficulty obtained a Vote upon it, *LOST IT*; And so the Re-
 'presentation and Petition was left just where they found it,
 'viz. As a Testimony of the Church against some Things which
 'were thought to Clash, both with their Constitution and a
 'little with their Principles, and in this it was thought it had
 'its Uses, tho' it was not effectually Answered in Parlia-
 'ment.

"The Affair of the Electing their Members for the first Par-
 'liament of *Britain*, came next upon the Stage, and the
 'Ground of the Motion mentioned in the Minutes, was foun-
 'ded upon a Supposition mentioned in the Twelfth Article of
 'the Treaty, viz. That *Her Majesty on or before the first day of*
 '*May, on which day the Union was to take place, should declare*
 '*under the Great Seal of England, that it is Expedient that the*
 '*Lords of Parliament of England, and Commons of the present*
 '*Parliament of England, should be the Members of the respective*
 '*Houses of the first Parliament of Great-Britain, for and on the*
 '*part of Great-Britain.* Now it was thought very equal, that if
 'the then present sitting Parliament of *England*, should be Nam-
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med for the first Parliament of *Great-Britain*, in Conjunction with the several Members that should be Named from *Scotland*, that the Members of both Houses which were to Represent *Scotland*, should be likewise Named out of the current or then present sitting Parliament of *Scotland*.

"It was pretty easie to conjecture, that Her Majesty would appoint these Members of the *English* Parliament, to Constitute the first *British* Parliament, as it after happened, and therefore this was Moved now —, in order to settle it in the Act of Parliament now to be made, in which it was absolutely necessary to be Determined, this Matter being to be Signed, and past into a Law, before the Union was to take place —. What vigorous Opposition it met with, will be seen in the next Observation.

MINUTE LXII.

Tuesday 21. January 1707.

Prayers said,
Rolls Called,

The Earl of *Stair* Swore the Oath of Alledgeance, subscribed the same with the Assurance, and took the Oath of Parliament.

Then the Resolve insert in the former Days Minutes, anent choosing the Representatives for *Scotland* to the first Parliament of *Great-Britain*, was again read.

And after Reasoning thereon, an Overture was given in for establishing a certain Way for Electing the Representatives of *Scotland* to the Parliament of *Great-Britain* in all time coming, in the Terms of the Treaty of Union, which was Read; And thereafter another Overture was offered for an Act for choosing the Sixty One Members to Represent *Scotland* in the Parliament of *Great-Britain*: As also, a Resolve was given in and Read, *That previous to all other Business, the Parliament proceed to determine the manner of Electing the Representatives for Scotland to the Parliament of Great-Britain, and to determine the Number and Quota of Barons and Burrows.*

And after Debate the Vote was stated, *Approve the Resolve insert in the former days Minutes, Yea or Not.*

But before Voting the Duke of *Hamilton* gave in a Protestation in these Terms, "I *James* Duke of *Hamilton* do hereby protest for my self, and in Name of all those who shall adhere to this my Protestation, against the Electing by this present Parliament the Sixteen Peers and Fourty Five Barons and Burrows, who are to Represent *Scotland* in the first Parliament of *Great-Britain*, as inconsistent with the whole Tenor of the Twenty Second Article of the Treaty of Union, and contrair to the expres Words thereof,

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‘whereby it is provided, that after the Time and Place of the
 ‘Meeting of the said Parliament, is appointed by Her Majesties
 ‘Proclamation, which Time shall not be less than Fifty Days after
 ‘the Proclamation, a Write shall be immediately issued under the
 ‘Great-Seal of *Great-Britain*, directed to the Privy Council of *Scot-*
 ‘*land*, for Summoning the Sixteen Peers, and for Electing Fourty
 ‘Five Members, by whom *Scotland* is to be Represented in the Par-
 ‘liament of *Great-Britain*; And further, as utterly Subversive of the
 ‘Right of Election competent to the Barons and Burrows of this
 ‘Kingdom, and desires this my Protestation may be insert in the
 ‘Minutes and Records of Parliament, and thereupon takes Instru-
 ‘ments.

And Mr. *William Cochran* of *Kilmaronock* gave in a Protestation
 in these Terms, “ I Mr. *William Cochran* of *Kilmaronock* do protest
 ‘in my own Name, and in Name of all those that shall Adhere to
 ‘this my Protestation, that the Electing of Members to Represent
 ‘this part of the United Kingdom in the Parliament of *Great-*
 ‘*Britain*, out of this present Parliament, by the Members of this
 ‘House, is contrary to, and inconsistent with the Birth-rights and
 ‘Privileges of the Barons and Burrows of *Scotland*; That it is con-
 ‘trary to the Principles of common Law, and divers Acts of Parli-
 ‘ament, and directly opposite and contradictory to the express
 ‘Words and Meaning of two several Paragraphs of the Twenty Two
 ‘Article of the Treaty of Union betwixt *Scotland* and *England*, so
 ‘lately Ratified in this House; And I desire this my Protestation
 ‘may be insert in the Minutes, and Recorded in the Books of Parlia-
 ‘ment, upon which I take Instruments.

And after Reading of the above Protestations, each of the said
 Protesters took Instruments upon their respective Protestations, and
 adhered to the Protestation given in by the other; and it was agreed
 that the Members Votes be marked, and that the List of their Names
 as they Vote be Printed and Recorded, and that at calling the Rolls
 the Adherers to the above Protests be also marked.

Then the Vote was put, *Approve the Resolve insert in the former*
Days Minutes or Not, and it carried *Approve*; and the Earl of *Errol*,
 the Earl *Marischal*, the Earl of *Buchan*, the Earl of *Eglintoun* and
 the Earl of *Galloway*, the Viscount of *Kilsyth*, the Lord *Semple*, the
 Lord *Balmerino*, the Lord *Blantyre*, the Lord *Bargany*, the Lord
Beilhaven, and the Lord *Colvill*, Sir *John Lauder* of *Fountainhal*,
Alexander Fletcher of *Saltoun*, Sir *Robert Sinclair* of *Longformacus*,
John Brisbane younger of *Bishoptoun*, Sir *Humphrey Colquhoun* of *Luss*,
John Grahame of *Killearn*, *Robert Rollo* of *Powhouse*, *Thomas Sharp*
 of *Houstoun*, Sir *Thomas Burnet* of *Leys*, Sir *David Ramsay* of *Balmain*,
John Forbes of *Colloden*, Mr. *Thomas Hope* of *Rankeillor*, *David*
Grahame younger of *Fintry*, *Alexander Mackye* of *Palgown*, *James*
Sinclair of *Stempster*, Mr. *James Dumbar* younger of *Heimprigs*, Sir
Henry Innes younger of that ilk, Mr. *George Mackenzie* of *Inchcoulter*,
Alexander Edgar, *James Scot*, *Francis Mollison*, *Robert Scot*, *John*
Hutcheson,

Hutcheson, Archibald Sheils, Mr: John Lyon, George Brodie and Mr. John Carruthers Adhered to both the above two Protestations.

Thereafter an Overture given in and Read, for appointing the manner of Electing the Peers of *Scotland* to the Parliament of *Great-Britain*, to be by dividing the Peerage into Four several Classes, out of which they are to be chosen, with some regard to the several Ranks of Peers, in manner mentioned in the said Overture.

And after Reasoning thereon, the further Debate was Adjourned till next Sederunt of Parliament:

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION LXII.

“The Reason of the Earl of *Stair*’s taking the Oaths now, and his place in Parliament, was very Unhappy at this Time; his Father the Earl of *Stair*, justly reputed the greatest Man of Counsel in the Kingdom of *Scotland*, died suddenly the Eighth of this Moneth—; he had been an Eminent Instrument in carrying on the Union, and had, the very day of his Death, spoken very Earnestly in the House, upon some particular Cases relating to the Union, he went out of the House not very Well, yet went Home, and Wrote several Letters that very Night to *England*, and in the Morning Died in his Bed, without being able to speak so much as to his Lady, who was with him, to the general Grief of the whole Island, being Universally Lamented.

“The Debate was now renewed about Choosing the Representatives for the first Parliament, the principal Objection was against Choosing them out of the current Parliament —; As to the Allegations of its being against Law and Constitution, and against the Twenty Second Article of the Treaty just then ratified, they all Center’d in this, that it was to be passed and approved by Parliament; And that Parliament having yet the whole Legislature in their Hands, had power to Repeal any Law, or Statute then in Being, and consequently did so far repeal any Clause in any Act of Parliament formerly made —; As to its being against the Treaty now ratified, that was Rectified thus; That whereas the Act of Ratification of the Treaty of Union in the Parliament of *Scotland*, in which several Acts since made and to be made in the Parliament of *Scotland*, were yet to be inserted, lay now before the Parliament of *England* —; What ever Method the Parliament of *Scotland* thought fit to take, for the Nomination of the Members of Parliament, for the first Parliament of *Great-Britain*, should, and must of Course also be inserted, and so be and become an Essential Part or Branch of the Union; And this Vote having passed as per the Minute, is inserted in the said Act for settling the Election

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'of the Members, and again Recited in the Act of Union,
 'as per the Exemplification, appears, in these Words;
 'in that Case only, Doth hereby Statute and Ordain, That the
 'Sixteen Peers and Fourty Five Commissioners for Shires and
 'Burghs, who shall be Chosen by the Peers, Barons and Burghs res-
 'pectively in this present Session of Parliament, and out of the
 'Members thereof, in the same manner as Committees of Parlia-
 'ment are usually now Chosen, shall be the Members of the res-
 'pective Houses of the said First Parliament of Great Britain, for
 'and on the part of Scotland; Which Nomination and Election
 'being Certifyed by a Write under the Lord Clerk Registers Hand,
 'The Persons so Nominated and Elec^ded shall have Right to Sit
 'and Vote in the House of Lords, and in the House of Commons
 'of the said First Parliament of Great Britain; As by the said
 'Act passed in Scotland, for settling the Manner of Electing
 'the Sixteen Peers and Fourty Five Members to Represent Scot-
 'land in the Parliament of Great Britain may appear; Be it
 'therefore further Enacted and Declared by the Authority afore-
 'said, That the said last mentioned Act passed in Scotland, for
 'settling the Manner of Electing the Sixteen Peers and Fourty
 'Five Members to Represent Scotland in the Parliament of
 'GREAT BRITAIN, as aforesaid, shall be, and the same is
 'hereby Declared to be as valid, as if the same had been part of,
 'and Ingrossed in the said Articles of Union, Ratified and Ap-
 'proved by the said Act of Parliament of Scotland, and by this Act
 'as aforesaid, and carried it for the New Model; The Two
 'Protestations against it made a great Noise, and were print-
 'ed and carryed all over the Kingdom, besides their being
 'printed in the Minutes of Parliament. Some said, the chief
 'Reason why they insisted on this so much was, That the
 'Party who opposed the Union foresaw, that, as they had
 'been outvoted and overpowered, as they called it, in every
 'Question relating to the Union, so they would be in this,
 'and that, by Consequence, few or none of them would be
 'Named to the First British Parliament, which was really true
 'in the Consequence.

"The several Overtures relating to the Form of future
 Elections will be spoken to in their places —.

MINUTE LXIII.

Wednesday 22. January 1707.

Prayers said,
 Rolls Called,

Thereafter the three several Overtures and Resolve mentioned
 in the former Days Minutes, relating to the way of Electing the
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Representatives for Scotland, to the Parliament of Great Britain was again read.

And after Reasoning thereon, the Vote was put, *Whether the Sixteen Peers, who are to be Representatives for Scotland in the said Parliament, shall be sent by Rotation, or by Election, and it carried, by Election.*

Then it was moved, That it be considered what way the Election shall be, whether by Balloting, or by an open Election, and after Debate thereon, the Vote was put, *Whether it shall be by open Election, or by Balloting, and it carried, by open Election.*

Thereafter moved to proceed to consider what Proportions the Barons and Burrows shall have of the Fourty Five Members, who are to sit in the House of Commons of Great Britain, and after Reasoning thereon, the further Debate was Adjourned till next Sederunt of Parliament.

The Committee appointed to meet to Morrow at Nine of the Clock.

Adjourned till Friday next at Ten of the Clock.

MINUTE LXIV.

Friday 24. January 1707.

*Prayers Said,
Rolls Called,*

Then the Debate mentioned in the former Days Minutes was resumed, anent what Proportions the Barons and Burrows shall have of the Fourty Five Members, that are to sit in the House of Commons of Great Britain.

And thereupon a Clause was offered to be insert in the Act, Regulating the Manner of Electing the Representatives for Scotland in these Terms, *And Her Majesty, with Advice and Consent foresaid, Statutes and Ordains, That Thirty shall be the Number of the Barons, and Fifteen the Number of the Burrows, to Represent this part of the United Kingdom in the House of Commons of Great Britain; And that no Peer, nor the eldest Son of any Peer, can be chosen to Represent either Shire or Burgh of this part of the United Kingdom in the said House of Commons.*

And after Debate upon the first part of the said Clause, the Vote was stated, *If the Number shall be Thirty for the Barons, and Fifteen for the Burrows, Yea or Not.*

But before Voting, the Earl of Cromerty gave in a Protestation in the Terms following, viz. *I George Earl of Cromerty do Protest, That nothing that shall be Enacted, as to the Shire of Cromerty their being Adjoynd to any other Shire, as to the Method or Manner of Electing of Commissioners to the Parliament of Great Britain, shall infer*

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any Derogation to the Privileges of that Shire, or to my Right as Heretable Sheriff thereof, and took Instruments thereupon.

Thereafter the Vote was put, *If the Number shall be Thirty for the Barons, and Fifteen for the Burrows, Yea, or Not;* and it carried, *Yea.*

Adjourned till Monday next at Ten of the Clock.

MINUTE LXV.

Monday 27. January 1707.

*Prayers Said,
Rolls Called,*

Then the second part of the Overture mentioned in the former Days Minutes was again read in these Terms, *And that no Peer, nor the eldest Son of any Peer, can be chosen to Represent either Shire or Burgh of this part of the United Kingdom in the said House of Commons.*

And after Debate thereon, another Clause was offered in these Terms, *Declaring always, That none shall Elect, nor be Elected to Represent a Shire or Burgh in the Parliament of Great Britain from this part of the United Kingdom, except such as are now capable by the Laws of this Kingdom to Elect, or be Elected as Commissioners for Shire or Burgh to the said Parliament.*

And after further Reasoning thereon, the Vote was stated, *Approve of the First Clause, or of the Second.*

But before Voting, it was agreed, *That the Votes be Marked, and that a List of the Members Names, as they Vote, be Printed and Recorded, and the Lord Chancellor was allowed to have his Name Printed and Recorded amongst those, who Voted for the Second Clause.*

Then the Vote was put, *Approve of the First Clause, or Second;* And it carried, *Second.*

Thereafter moved, *That the Parliament proceed to consider, in what manner the several Shires of this Kingdom shall choose the Thirty Members appointed to Represent them in the House of Commons of Great Britain;* As also, in what manner the several Burrows shall choose the Fifteen Members, appointed to Represent them in the said House of Commons.

And after some Discourse thereon, the further Consideration thereof was delayed till next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATIONS LXIII, LXIV, LXV.

“ I put these three Minutes together, because they are all on
‘ the same Subject, viz. The Electing the Representatives to the
() ‘ Parliament

* Parliament of *Great Britain*, which was now to be formed into an Act by it self.

" There had been several Schemes of Elections laid down for the Peers, and three Overtures had been presented to the House —; Some were for Naming the several Families, and Fixing the Representative to be Chosen out of them Exclusively —, and these were those who pretended to make Distinctions between the Ancient and Modern Nobility —; They thought it was reasonable, since the Numbers of Noblemen lately made, and especially in the last Thirty or Fourty Years, were but burdensome, as they alleged, to the Nation, that those Families newly made Noble should relinquish this Affair to the Ancient Nobility, as what was Inherent in them, but a new Accession to these; and that, since *Scotland* was to Retrench her Nobility, as to sitting in Parliament, it was but just they should be preferred, who had the most Ancient Title.

" Others were for dividing the Nobility into Four Classes, and taking every Year a proportioned Number out of each Class.

" Others were for taking by Rotation, and so, beginning at the Extremes, take the Families as they Rise, either beginning at the eldest or youngest Peers.

" But all these Methods were rejected, and that of Election carried it, whether it were, that each Party thought themselves able to carry it from the other, or that they thought it their Advantage, that they should carry it, who could make the best Interest I know not —; But I cannot say they took the best way for the preserving the publick Tranquillity, since the Factions and Party-makings for the Interest of Elections, which must necessarily be the Consequence of this Method, cannot but keep up a constant Feud of Parties and Families in the Nation, which must necessarily be renewed every Three Year, the Parliament being to be new Chosen so often —; During which time, the Parties will be at Work, to Cultivate, Encrease, and Fortify their several Interests, which, *it is to be doubted*, will go a great way to Entailing a Spirit of Division and Party-strife upon the whole Nation —; I wish I may be found to have made a wrong Conjecture, —, but I shall have Occasion to speak to this again in the Process of this Story, and to observe, how too much of this was made good in the very first Election, *I mean*, for the second *British* Parliament. Of which hereafter —.

" After the settling of the Affair of the Peers, it was to be Determined how the Fourty Five Members for the House of Commons should be proportioned, and this was prepared for them before hand, and given in in a Scheme or Overture, which occasioned some Dispute —; The number of the

‘Shires and Counties and Stewartries that formerly Elected, were these were now to be reduced by joyn-
 ‘ing Two or Three together, where they were small and re-
 ‘mote, to Thirty Members, each County choosing none but
 ‘One —, and each Head of Counties, where any were joyn-
 ‘ed together, choosing but One —, the Burghs or Royal
 ‘Burrows were in Number, these were Formed
 ‘into Classes or Districts —, and were for each District to
 ‘choose one Member; And because the meeting together of
 ‘the Votes in the said Burghs, might be both Chargeable and
 ‘Inconvenient, a *Medium* was found out, each Burgh was to
 ‘choose a Commissioner, in the same manner as usual, which
 ‘Commissioner was to meet with the Commissioners of the other
 ‘Burghs of that District, and these were to choose the Mem-
 ‘ber.

“The respective Persons concerned, made some Opposition
 ‘about the Joyning of Shires —, but this had been a Thing
 ‘well Concerted, and therefore admitted the less Dispute in
 ‘the House; the Persons also who had made the Calculations,
 ‘being prepared to Defend the Equalities of it —; It re-
 ‘mained therefore to agree on the Partition of the Counties
 ‘and Towns, or as called in the Minutes, Barons and Burghs,
 ‘which was done with little Dispute, as *per* the Minute.

“The Motion against the Eldest Sons of Peers, had not a little
 ‘to be said for it, particularly that when the Influence of the
 ‘Nobility in *Scotland* comes to be considered, with the small
 ‘Number of Members to be chosen, it might in time to come
 ‘rise to what was Hinted before, in the Project of reducing the
 ‘Lords that did not sit in the House of Peers, to a Level with
 ‘the Commons, and make them capable of sitting in the House
 ‘of Commons, that then it might come to pass, that *Scotland*
 ‘should be Represented only by her Nobility, and that there
 ‘should be *Scots* Lords in the Parliament of *Britain*; So here
 ‘in time it might happen, that the Nobility in the House of
 ‘Peers, and their Eldest Sons in the House of Commons,
 ‘might make up the whole Representative of *Scotland* —.

“There were a great many Arguments brought against this
 ‘Proposal, but these seemed the most prevailing, *viz.*

“1. That it had been always allowed in *Scotland* before,
 ‘*viz.* That the Eldest Sons of Peers might be Elected.

“2. That in *England* the Eldest Sons of Peers do sit in the
 ‘House of Commons, and it would break in upon the Rule
 ‘of Equalities, to alter it, and put the *Scots* Gentlemen in a
 ‘worse Condition than the *English*.

“After some time a Vote was offered that put it to an End,
 ‘*viz.* To let the Right of being Elected remain just as it was,
 ‘without any Alteration at all, that he that had a Right or

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‘Capacity

‘Capacity to Vote, or to be chosen before, should have so
‘still; And this ended the Debate.

“The manner of Electing the Commons came next to be
‘considered.

MINUTE LXVI.

Tuesday 28. January 1707.

Prayers said,
Rolls Called,

Then the Parliament proceeded to Consider in what manner the several Shires of this Kingdom shall choose the thirty Members appointed to represent them in the House of Commons of *Great-Britain*; As also in what manner the several Burrows shall choose the fifteen Members to represent them in the said House of Commons.

And after Reasoning thereon, a draught of an Act was offered settling the manner of Electing and Summoning the sixteen Peers and forty five Commoners, to Represent *Scotland* in the Parliament of *Great-Britain*.

Which being read, it was moved, to proceed to consider that Clause of the Draught of the Act appointing the Shires of *Bute* and *Caithness* to have only one Representative, the Shires of *Nairn* and *Cromerty* to have only one Representative, and the Shires of *Clackmannan* and *Kinross* to have only one Representative, to be chosen *Alternatively*, and the hail other Shires and Stewartries of this Kingdom, now represented in this present Parliament, each to have one Representative in the Parliament of *Great-Britain*.

And it was also moved, to remit the same to a Committee; And after reasoning on these Motions, the Vote was stated, *Approve of the above Clause of the Act, or Commit.*

But before Voting a Protestation was given in, in these Terms: I James Sinclair of Stempster, one of the Commissioners for the Shire of Caithness, do protest for my self, and the other Barons and Freeholders of the said Shire, that the Vote now to be put for approving the Conjunction of the said Shire of Caithness with *Bute*, or any other of the lesser Shires, is against our Right of being always leparately represented in Parliament, and that because the Rule of reducing Shires is by their Valuation, and six only to be reduced, the Shire of Caithness ought to enjoy its Representation as other greater Shires, and the Shire of Sutherland, being less in Valuation than Caithness, ought to be conjoyned with the other lesser five Shires: Which being read, he took Instruments thereupon, and Mr. James Dumbar younger of Hemptrigs the other Commissioner for the said Shire of Caithness adhered thereto.

Then the Vote was put, *Approve of that Clause of the Act settling*
* H h h *the*

the manner of Electing Representatives for Shires, or Commit; and it carried Approve.

Thereafter it was moved to proceed to Consider in what manner the Burghs shall choose their Representatives.

And after Debate thereon, the further Consideration thereof was delayed till next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

M I N U T E LXVII.

Wednesday 29. January 1707.

*Prayers said,
Rolls Called,*

Then the Parliament proceeded to the Consideration of the manner in which the Burrows shall Elect their Representatives to the House of Commons of Great-Britain.

Whereupon several Schemes being given in and read, in relation to the manner of the said Election.

After reasoning thereon, and upon the Number of the Districts that shall be appointed for making of the said Elections, and upon a Motion that the Burgh of *Edinburgh* by it self shall have always one Representative.

The Vote was stated, *whether the Burghs shall be divided into three Districts, or Fifteen* (reserving intire the Motion as to the Town of *Edinburgh* it's having one Representative by it self) and it carried *Fifteen.*

Then the Vote was put, *if the Burgh of Edinburgh by it self shall have one Representative, or Not; and it carried One.*

Thereafter a Scheme dividing the Burghs into fifteen Districts, each of which Districts is to have one Representative, was given in and Read, and is as follows: The Burghs of *Kirkwall, Wick, Dornock, Dingwall and Tain* one; *Fortrose, Inverness, Nairn and Forres* one; *Elgin, Cullen, Bannockburn, Inverury and Kintore* one; *Aberdeen, Bervie, Montrose, Aberbrothock and Brechin* one; *Forfar, Perth, Dundee, Couper and St. Andrews* one; *Crail, Kilrenny, Anstruther Easter, Anstruther Wester and Pittenweem* one; *Dysart, Kirkaldie, Kinghorn and Burnt-island* one; *Innerkeithing, Dumfermling, Queensferry, Culross and Stirling* one; *Glasgow, Renfrew, Rutherglen and Dumbarton* one; *Edinburgh* one; *Haddington, Northberwick, Dumbar, Lawder and Jedburgh* one; *Selkirk, Peebles, Linlithgow and Lanerk* one; *Dumfries, Sanquhar, Annan, Lochmaben and Kirkcudbright* one; *Wigtoun, Newgalloway, Stranraer and Whitehorn* one; And *Air, Irving, Rofsay, Campbelltown and Inverary* one.

And after Debate thereupon, *Whether it should be Approven, or Remitted to the Committee.*

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The Vote was put, *Approve the Scheme, or Commit*; and it carried *Approve*.

Then it was moved, that the Commissioners for the Treaty of Union have their Expenses allowed to them; And a Debate having arisen thereupon, the further Consideration thereof delayed till next *Sederunt* of Parliament.

Adjourned till Friday next at Ten a Clock.

OBSERVATIONS LXVI, LXVII.

" These Minutes are so expressive of the Subject debated about, that there needs no Explanation to be given; They were only Matters of Form dividing the Burghs into Districts for Election, and Uniting the smaller remote Counties to reduce the Number; and all being stated before Hand, as I noted in the last, nothing material happened:

MINUTE LXVIII.

Friday 31. January 1707.

*Prayers said,
Rolls Called,*

Then the Parliament proceeded to consider the Motion for allowing the Commissioners for the Treaty of Union their Expenses; And thereupon a *Resolve* was given in in these Terms, " That the Charge of the Commissioners sent to the Treaty of Union on the part of the Kingdom of *Scotland*, who met at *London* in pursuance of Her Majesties Nomination by Authority of Parliament, and of the Allowance to the Secretary of the said Commission, and to the Accomptants appointed by the said Commission, are publick Debts, and that there be allowed to each Nobleman, who attended the said Treaty at *London*, the Sum of Twelve Thousand Pounds *Scots*, and to each other of the Commissioners attending, the Sum of Six Thousand Pounds *Scots*, and to the Secretary of the said Commission, the Sum of Four Thousand Eight Hundred Pounds *Scots*, and to each of the Three Accomptants named by the said Commission, the Sum of Two Thousand Four Hundred Pounds *Scots*, and that the said respective Sums be payed out of the Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings *Sterling*, mentioned in the Fifteenth Article of the said Treaty of Union, Ratified in this Parliament, and that the said Sums be ranked and preferred after the Sums payable to the Proprietors of the *African* and *Indian* Company of *Scotland* *pari passu* with the first of the publick Debts appointed to be payed out of the foresaid Sum of Three Hundred Ninety Eight Thousand and Eighty Five Pounds Ten Shillings *Sterling* Money.

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Which

Which being read, upon Reasoning thereon, a Motion being made for restricting the *Quota's* of the Treaters Expenses, and some Objections being also made against allowing the said Expenses out of the above Fund, the Vote was stated, *Approve of the Resolve, or Alter.*

And before Voting it was agreed, That the Votes be marked, and that a List of the Members Names, as they Vote, be Printed and Recorded.

Then the Vote was put, *Approve of the Resolve, or Alter*; and it carried, *Approve.*

It was also agreed, That the Earl of *Ilay* (designed in the Commission for the Treaty Lord *Archibald Campbell*) be allowed his Expenses as a Nobleman.

Thereafter it was moved, That the Commissioners for the Treaty 1702, have Allowance of their Expenses in manner following, *viz.* " Each Nobleman Five Hundred Pounds *Sterling*, each Baron Three Hundred Pounds *Sterling*, and each Burrow Two Hundred Pounds *Sterling*.

And after Debate thereupon, the Vote was put, " Grant Allowance to the Commissioners for the Treaty 1702, of their Expenses in the above manner, Yea, or Not; and it carried, Yea: And the said Expense was declared to be a publick Debt, and it was remitted to the Committee for stating of publick Debts, to state and rank the same as a publick Debt.

Thereafter it was moved, That no Representative from either Shire or Burgh from this Kingdom to the Parliament of *Great Britain*, shall have any Allowance for their Charges and Expenses in attending the same.

And after Debate, it being moved to delay the Consideration thereof till next *Sederunt* of Parliament.

The Vote was put, *Proceed, or Delay*; and it carried, *Delay.*

The Committee appointed to Meet to Morrow at Nine a Clock
Adjourned till Monday next at Ten of the Clock.

O B S E R V A T I O N LXVIII.

" This Proposal was ill received indeed, and a horrid Clamour raised at it without Doors; The People who had been hot against the Union took hold of it with an Unbridled Railery, Reproaching the Treaters in a most Indecent Manner, Exclaiming at the very Thing it self; Now the Nation might see they said what they had been doing at *London*, and what they had been pursuing ever since that they had sold their Country for a Sum of Money, & they were beginning to share it among them, this referred to the Equivalent out of which this Money was to be paid —; That they Voted for one another, the new Commissioners and the old; and that this was taking that Money away to their private Uses, which they had pretended was to be Employed in Incouraging the
() Manufactures

Manufactures and Employing the Poor, Raising Stocks for the Woollen Trade and Funds for the Fishing; That these were the specious Pretences, when the Nation was brought in to accept of the Equivalent, but that now it was done and over, now they were dividing the Spoil —; It would be endless to set down the ill Nature of the Day, as soon as this Proposal was talked of without Doors, and yet there was really no Reason, the Gentlemen who went to *England* upon that Occasion, who set all their private Affairs aside to serve their Country, and attended in *England* several Months at Expence enough, should do all this at their own Charges, when, at the same time, every other Article had its Supply out of the General Fund; And therefore, notwithstanding the Clamours of the People, and several Attempts within Doors, first to reject it wholly, then to refuse the payment of it out of the Equivalent, which was indeed refusing it wholly, since there was no other Fund to pay it —; And lastly, to Restrict the Quantity, yet at last it past, as it had been at first proposed.

“The Allowance to the Old Treaters, they alledged, was a Trick to draw in the Allowance for the New, because, being to be Voted together, it was certain, *the Old* would Vote for the *New*, that they might be sure, *the New* would, in Return, Vote for *the Old* —; But there was certainly the same Reason, that one should be allowed their Expence as the other, since, tho’ they could not then bring it to a Conclusion, yet their Pains and Expences might not be the less, but rather the more for that, and thus they were both Voted to be allowed their Charges, as *per* the Minute.

M I N U T E LXIX.

Monday 3. February 1707.

Prayers Said,
Rolls Called,

Thereafter the first Sederunt of Parliament (after passing the Act, settling the Manner of Electing and Summoning the Representatives for *Scotland* to the Parliament of *Great Britain*) was appointed for private Business.

Then the Motion made the former Sederunt, anent allowing no Charges or Expences to the Representatives from the Shires and Burghs of this Kingdom to the Parliament of *Great Britain*, resumed.

And after Debate thereon, the Vote was put, Whether there shall be a Clause, in relation to the Charges and Expences of the Representatives for Shires and Burghs insert in the Act settling the Manner of Electing, &c. Yea, or No; and it carried, No.

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Thereafter

Thereafter it was moved, That at all Meetings of the Peers for Electing of their Representatives, such Peers as are absent, be allowed to have Votes in the said Election by Proxies, the said Proxies being Peers, and they and their Constituents being Qualified at the Time, by taking the Oaths required by Law, and that the said absent Peers may either Vote by their Proxies, or by sending up Lists subscribed by them.

And after Reasoning thereon, the Vote was put, *Allow Proxies in the above Terms, Yea, or Not*; and it carried, *Allow*.

Agreed, That the Meeting of the Peers for the said Elections shall be at any Place Her Majesty shall appoint within the Limits of Scotland.

Agreed also, That, in case of the Decease, or Legal Incapacity of any of the Fourty Five Commoners, to be chosen out of this Session of Parliament to the Parliament of Great Britain, the Shire, Stewartry, or District of Burrows, for which he is a Member, shall choose another in his place.

Agreed likewise, That, in case of the Decease, or Legal Incapacity of any of the Sixteen Peers, the Peers shall meet and Elect another in place of the Deceaser.

Moved, That such Peers of Scotland, who are likewise Peers of England, or who, after the Union, shall be Created Peers of Great Britain, have no Vote in the Election of the Sixteen Peers from Scotland to the Parliament of Great Britain.

And after Debate thereon, it was put to the Vote, *Whether any Clause, in relation to the said Motion, shall be insert in the above Act, settling the Manner of Election, &c. Yea, or Not*; and it carried, *Not*.

Thereafter it was agreed, That, when the Votes of the Commissioners for Burrows, who shall meet for Electing their Representatives are equal, the President of the Meeting shall have a Casting or Decisive Vote, beside his Vote as a Commissioner Representing the Burgh from whom he is sent; and that the Commissioner for the eldest Burgh shall preside at the first Meeting, and the Commissioner for the other Burghs by Turns, as the Burghs are now called in the Rolls of Parliament.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATION LXIX.

"The Charges being allowed to the Treaters, it was thought the House would go on and allow this also, but it was presently rejected —; Some said it was offered by way of Jest, as a Reproach to the Gentlemen that took Money for the Service of their Country.

"But the Proposal was made another way, viz. *That no Representative, from either Shire or Burgh, from this Kingdom to the Parliament of Great Britain, shall have any Allowance for their Charges or Expences, &c.* It was alledged, That the English took no such Allowance; and that it would be a Reproach to

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to Scotland, if the Scots Gentry should take their Charges from the Country, and the English did not.

"To this it was Answered, That, tho' the English Gentlemen generally refused the Allowance of the Countries for their Attendance, yet that, by Law, there was such an Allowance due to them from the Countries, and they might not only justify accepting it, but might legally demand it; And therefore it ought, in like manner, be left at Liberty in Scotland, when doubtless the Scots Representatives, in Proportion to their Capacities, would be found as Frank and Generous in sparing the Country as the English.

"And it was remarkable, That in subsequent Elections in Scotland for the Counties, it was very often agreed jointly by the several Candidates for Election, That whosoever carried it, should relinquish any pretence to an Allowance from the County, for their Service in Parliament.

"The Affair of Proxies in Election of Peers, is express'd at large in the Minute, and needs no Remark, nor was there any long Debate upon it in the House.

"The other Heads also being Matter of Form, only were readily agreed to.

"There was indeed some Struggle about Excluding these Noblemen of Scotland, who were Noblemen in England, or should be Peers of Britain, from Voting, but they could not carry it —; And yet 'tis to be observed, that at the first Election of the Sixteen Peers by virtue of this Act, some of the Peers of Scotland protested against the Votes of those that had English or British Titles, a Debate that is not yet (viz. at the Writing these Sheets) Determined, tho' this Vote seems to conclude it directly.

MINUTE LXX.

Tuesday 4. February 1707.

Prayers Said,
Rolls Called,

Then the Draught of an Act settling the manner of Electing and Summoning the sixteen Peers and forty five Commoners to represent Scotland in the Parliament of Great-Britain read.

And thereupon a Vote was put, Allow a first Reading to be marked on the said Act, Yea, or Not; and it carried Allow: And a first Reading was marked thereon accordingly.

Adjourned till the Morrow at Ten of the Clock.

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MINUTE

M I N U T E LXXI.

*Wednesday 5. February 1707.**Prayers said,
Rolls Called,*

Then the Act settling the manner of Electing the sixteen Peers and forty five Commoners to represent *Scotland* in the Parliament of *Great-Britain* again read; And after Reasoning thereon, and some Amendments, the Act as amended was again read over, and it was put to the Vote, *Approve the Act*, or *Not*, and it carried *Approve*.

Overture for an Act *anent Plantation of Kirks* brought in from the Committee and Read, and after some Amendments was ordered to be Printed.

And also another Overture for an Act and Commission for *Plantation of Kirks and Valuation of Teinds*, brought in from the said Committee was read, and ordered to be Printed.

Agreed, that the Parliament will proceed to the Consideration of these Overtures the first *Sederunt* after they are Printed previous to all other Business.

Then a Proclamation concerning the Coyn was brought in from the Committee and read, and a Vote was put, *Approve of the Proclamation*, or *Not*; and it carried *Approve*.

Overture for an Act *against Popery and Papists* brought in from the Committee, was read, and ordered to be Printed.

Thereafter the Act settling the manner of electing the sixteen Peers and forty five Commoners to represent *Scotland* in the Parliament of *Great-Britain* was touched with the Royal Scepter by Her Majesties high Commissioner in the usual manner.

Adjourned till Monday next at Ten a Clock.

O B S E R V A T I O N S LXX, & LXXI.

"The Act for settling the manner of Electing the Representative was now past, and because it is an Act containing a great Variety of Heads, useful for Posterity to know, when the respective Elections may come on, I have inserted it in the Appendix to this Work, N^o Ixx.

"The Overtures for Plantation of Kirks and Valuation of Teinds, were put both together, and proceeded upon as one Act, The case was in short thus —; It had been the Custom in former Parliaments, to Grant a Commission to
() certain

‘ certain of their own Members to sit as a Court, and to Judge
‘ and Determine of several Things relating to the two Heads
‘ above, viz. *Plantation of Kirks and Valuation of Teinds*; The
‘ Things they Determined of, were Generally,

“ Sale and Valuation of Teinds or Tithes in the several
‘ Paroches.

“ Augmentation of the Stipends of Ministers.

“ Prorogation of Tacks, or *Leases* of Teinds.

“ Dividing or Disjoyning Paroches, or *Parishes*, where
‘ they where too large.

“ Erecting and Endowing New Churches.

“ Annexing and Dismembering Churches, and the like.

“ It was some Time since these Commissions had been Dis-
‘ continued, and that was not all the Misfortune, but all the
‘ Registers and Rolls of that Court were lost in the great Fire
‘ which happened in the Parliament Cloſs at *Edinburgh*, in the
‘ year 1700. So that there was no having Recourse to any
‘ thing past.

“ This was a great Loſs to the Church of *Scotland*, upon
‘ several Accounts, and had it remained Unsettled at this
‘ Juncture, the Injury had been past Remedy, Wherefore it was
‘ earnestly Desir’d, and readily Granted, That all the Powers
‘ formerly Exercis’d by the said Commission of Parliament,
‘ should now be Conveyed to some particular Court Judica-
‘ tory or Body of Men, that should Judge and Determine in
‘ such Cases, some were for having it Vested in the Church it
‘ self, and committed to the General Assembly —; But it
‘ was alledged, That were to make the Church Judge in Her
‘ own Cause, and put too much Power into the Hands of the
‘ Assembly; Others were for Desiring it to be in the Hands of
‘ the Crown, to Grant Commission to proper Persons, as the
‘ Parliament did before —; But that was Objected against,
‘ as dangerous to the Safety and Constitution of the Church;
‘ at length it was Devolved on the Lords of the Session, and
‘ there it past, as in the Act Printed also at large in the *Ap-
‘ pendix N^o K x x.*

“ The Committee also now made their Report about the
‘ Coin, and the manner of settling it the Time of Reducing
‘ and Calling in the Money, of which I have spoken already
‘ —; but the Report of the Committee being recited in the
‘ Proclamation, and that Proclamation stating the particulars
‘ exactly, I have placed the said Proclamation in the *Appendix
‘ N^o L x x.* It being the last Proclamation also made in *Scot-
‘ land* as a separate Kingdom.

MINUTE LXXII.

Monday 10. February 1707.

*Prayers said,
Rolls Called,*

Then it was moved to proceed to private Business conform to the Minutes of the third of *February* instant.

Moved also to proceed to the Consideration of the two Overtures mentioned in the Minutes of the last *Sederunt*, the one remitting the Plantation of Kirks, &c. to the Lords of Session; And the other for an Act and Commission for Plantation of Kirks and Valuation of Teinds.

And after Debate, the Vote was put, *Proceed to consider the two Overtures in order to a first Reading, or proceed to private Business*, and it carried to the Overtures.

Thereafter the two Overtures were read in the above order, and the Vote being put, *Mark a first Reading on the first or second*, and it carried *First*, and a first Reading was marked on the said first Overture, remitting the Plantation of Kirks to the Lords of Session.

MINUTE LXXIII.

Wednesday 12. February 1707.

*Prayers said,
Rolls Called,*

Thereafter the following Overtures for Acts were given in and read, viz *Act renouncing the Reversion of Kirk-lands. Act in favours of the Inhabitants of the Shire of Caithness. Act in favours of the Earl of Linlithgow and Callender. Act for preserving the Game. Act in favours of the Lady Littlegill and her Son. Act in favours of the Earl of Cromerty.* And a first reading ordered to be marked on each of the said Acts.

Moved to proceed to the Act for Plantation of Kirks, &c. and also moved to proceed to the Act for additional Premiums on Exportation of Victual.

And after Reasoning thereon, it was agreed to proceed first to the Act for Plantation of Kirks, &c. and after the same is finished to proceed immediately thereafter to the Act for additional Premiums.

Then the Act for Plantation of Kirks, &c. was read; And after some Reasoning thereon, the further Debate was adjourned till next *Sederunt* of Parliament.

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Agreed,

Agreed, That the Parliament, will next *Sederunt* proceed to Elect the Representatives for *Scotland* to the first Parliament of *Great-Britain*, and it was intimate to the Members to prepare for the said Election against that time; And agreed that the Parliament will thereafter proceed to the Act for *Plantation of Kirks*, &c. previous to all other Business after the Election, and then to the Act anent *Drawbacks on Victual*.

The second *Sederunt* of Parliament next Week appointed for private Business.

Adjourned till to Morrow at Ten of the Clock.

OBSERVATIONS LXXII, LXXIII.

" The Parliament now drawing near a close, a great deal of private Business crowded on the House, so that sometimes little was done as to the Publick, which is the Reason of joyning these Observations upon Two or Three Days at a Time.

" The Affair of the Act for *Plantation of Kirks*, &c. I have spoken of already; And as this only took up the Work of these Two Days, I mean as to publick Business, there needs no further Remark upon them.

MINUTE LXXIV.

Thursday 13. February 1707.

*Prayers Said,
Rolls Called,*

Then the Parliament, conform to the Minutes of the last *Sederunt*, proceeded to Elect the Representatives for *Scotland* to the First Parliament of *Great Britain*, and the Three Estates having separated to their usual Places, they returned and reported their respective Elections, and the List of their Representatives is as follows,

Of the Nobility, the Duke of *Queensberry* Lord High Commissioner, the Earl of *Seafield* Lord High Chancellor, the Marquess of *Montrose* Lord President of the Privy Council, the Marquess of *Tweeddale*, the Marquess of *Lothian*, the Earls of *Mar* and *Lowdown* principal Secretaries of State, and the Earls of *Craford*, *Sutherland*, *Roxburgh*, *Wemyss*, *Leven*, *Stair*, *Roseberry*, *Glasgow* Thesaurer-Depute, and *Ilay*.

Of the Barons, *William Nisbet* of *Dirletoun*, *John Cockburn* younger of *Ormistoun*, *Sir John Swintoun* of that Ilk, *Sir William Ker* of *Greenhead*, *Archibald Douglass* of *Cavers*, *William Bennet* of *Grubbet*, *Mr. John Murray* of *Bowhill*, *Mr. John Pringle* of *Haining*, *William Morison* of *Prestoungrange*, *George Baillie* of *Jerviswood*, *Sir John Johnston* of *Westerhall*, *Mr. John Stuart* of *Sorbie*, *Mr. Francis Montgome-*

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ry of Giffan, Mr. William Dalrymple of Glenmure, Sir Robert Pollock of that Ilk, John Hadden of Glenagies, Mungo Grahame of Gorthie, Sir Thomas Burnet of Leyes, Sir David Ramsay of Balmain, William Seton younger of Pitmedden, Alexander Grant younger of that Ilk, Hugh Ross of Kilravock, Sir Kenneth Mackenzie, Mr. John Campbell of Mammore, Sir James Campbell of Auchinbreck, James Campbell younger of Ardkinglass, James Halyburtoun of Pitcur, Alexander Abercrombie of Glassoch, Alexander Douglass of Eagilshaw, and John Bruce of Kinross.

Of the Burrows, Sir Patrick Johnstoun, Lieutenant Colonel John Areskine, Hugh Montgomery, James Scot, Sir John Areskine, Mr. Patrick Moncreiff, Sir Andrew Home, Sir Peter Halket, Sir James Smollet, Sir David Dalrymple, Mr. John Clerk, Mr. Patrick Ogilvie, George Allardice, Daniel Campbell, and Mr. Alexander Maitland.

Adjourned till Monday next at Ten of the Clock.

OBSERVATION LXXIV.

“ It was sufficiently known, That Her Majesty designed the Parliament then sitting in England should, in Conjunction with the Representatives from Scotland to be Chosen, make up the first Parliament of Great Britain, tho’ the Proclamation was not exhibited till a great while after, nor did the Queen signify Her Intentions on that Head to the English Parliament till the Twenty Fourth of April after —; However, as this Matter had cost some Debate in the House, and was at last Resolved on, they made their Election as per the Minute; The Opposers of the Union made a Noise, said they had chosen all their own Creatures, that they were Partial to a Party, and the like; But the Time of Taking Notice of such Things was now over, the Election was made calmly enough, and the Names immediately published all over the Kingdom, besides being put in the Minutes as above.

MINUTE LXXV.

Monday 17. February 1707.

*Prayers said,
Rolls Called,*

Then the Act for Plantation of Kirks, &c, again read, and was thereafter read by Paragraphs, and after the first Paragraph was read, It being moved, That the Matter of Plantation of Kirks, &c. be remitted to a Commission; After Debate thereon, the Question was put, *If the Matter of Plantation of Kirks and Valuation of*
() *Teinds*

Teinds shall be remitted to a Commission, or to the Lords of Council and Session, and it carried, to the Lords of Council and Session.

Then a Clause was offered in favours of the Macers of Privy Council in these Terms, Declaring, That the Macers of Privy Council, who, by their Gifts, did attend and officiate before the said Commission of Parliament, shall continue to attend and officiate before the said Lords of Session, in the Matter committed to them by this Act, as they were in use to do before the said Commission, and none else, and after Reasoning thereon, the Vote was put, *Add the Clause, or Not*; and it carried, *Add*.

And after some Amendments, the said Act was read over, then the Vote was put, *Approve of the Act, or Not*; and it carried, *Approve*.

Thereafter the Draught of an Act for *Additional Præmiums on the Exportation of Victual till the First of May next*, again read, and after Reasoning thereon, and the Addition of a Clause thereto, it was put to the Vote, *Approve of the Act, or Not*; and it carried, *Not*.

Then the Act *Dissolving the Fen-duties of Kirk-lands from the Crown, and Discharging the Reversion thereof*, again read, and after some Amendments, it was put to the Vote, *Approve the Act, or Not*; and it carried, *Approve*.

Overture for an Act concerning *Chirurgeons and Apothecaries in Edinburgh*, given in and read, and it was put to the Vote, *Mark a first Reading thereon, or order it to ly on the Table*, and it carried, *Mark a first Reading*; and the same was ordered to be Printed before a second Reading.

Adjourned till Thursday next at Ten of the Clock.

M I N U T E LXXVI.

Thursday 20. February 1707.

Prayers Said,

Rolls Called,

Draught of an Act, *Discharging Musters and Rendezvouses, and Prorogating the Suspension of the Clause in the Act of Security thereanent, till the First Day of January next to come*, given in and read, and a first Reading ordered to be marked thereon.

Adjourned till to Morrow at Ten of the Clock.

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M I N U T E LXXVII.

Friday 21. February 1707.

Prayers said,
Rolls Called,

Then the Act Discharging Musters and Rendezvous, till the First Day of January next, and Prorogating the Suspension of the Clause in the Act of Security thereanent till the said time, which is in these Terms, That the whole Protestant Heretors, and all the Burghs within this Kingdom, shall furthwith provide themselves with Fire Arms for all the Fencible Men who are Protestants within their respective Bounds, and the said Heretors and Burghs are thereby Impowered and Ordained to Discipline and Exercise their Fencible Men once in the Month at least; was read a second time, and after some Amendments and Reasoning thereon, the Vote was put, *Approve of the Act, or Not*; and it carried, *Approve*.

Agreed, That the Parliament will next Sederunt take into their Consideration the several Reports of the Committee anent the Cohn, The Accompts of the African and Indian Company, and anent Publick Debts, and that the Petition for Colonel Patrick Ogilvie of Carnes, Sir John Schaw of Greenock, and Sir Archibald Campbell of Clunies, be likewise taken into Consideration the first Sederunt for private Business, previous to all other.

Thereafter the Act anent Plantation of Kirks and Valuation of Teinds, and the above Act discharging Musters and Rendezvous, &c. were both touched with the Royal Scepter by Her Majesties High Commissioner in the usual manner.

Adjourned till Wednesday next at Ten of the Clock.

O B S E R V A T I O N S LXXV, LXXVI, LXXVII.

“ The Church Act about Kirks and Teinds was now settled, the Motion of having these things still referred to a Parliamentary Commission was thought to proceed from these, who were willing it should remain in the same Condition it had lyen in for a long time, viz. *Unsettled and Unprovided for*, since it must yearly put the Persons concerned to make Application to the Parliament of *Britain*, which was Remote, and very Troublesome to get such Commission settled, or Triennially at least —; And whereas, while it lay before their own Parliament, it had, for some Years, been Unsettled; and the Church left, as it were, Unregarded in those Affairs, it might much more be supposed to be neglected, if referred to the *British* Parliament —; That, at the end of every Parliament, which, at furthest, would be but Three Years, this
() Matter

‘ Matter behoved to be laid before them again, and diligently solicited, in order to have it effectually settled —; This therefore was vigorously opposed, and it was carryed to be referred to the Lords of the Session, as *per* the Act. *Vide* the Appendix, N^o. K x x.

“ The *Premiums* and Drawbacks on the Exportation of Corn had been settled, as before is observed, and are inserted in the Union, as *per* the Act appears; But, in regard the Union was not to take place till *May*, and the want of those Allowances might put a Stop to the Exportation in the meantime, and particularly, That there was a great *Dutch* Fleet and several *Norway* Ships in the Port of *Leith* at that time, which would, in case of the Encouragements now to be given, carry away a great Quantity of Corn, before the First of *May*, which Exportation of Corn would be a great Advantage to the Country, therefore this short lived Act was proposed for the Encouragement of Trade: But it was alledged, That the Term of the Commencement of the Union was so near, that no Convoy would stir, or Ships sail, before that time would be come, and the Advantages would be the same to the Merchant; Upon which, the Bill was dropp’d in the House, and came to nothing.

“ The Debate about the Chirurgeons and Apothecaries, never came to any Head, the Design was to Authorize the Apothecaries and Chirurgeones, to Administer Physick without the Assistance or Prescription of the Physicians, in Extraordinary cases —; It would have been perhaps a contested Thing, if the House had been of longer Continuance, but the End of the Parliament being so near, there was no Time for it.

“ The Act about Kirk-lands, and Discharging the Feu-duties, was a necessary Law at that Time, in some special Causes, and met with no Opposition.

‘ The House sat on *Thursday* the Twentieth of *February*, but was wholly Employed about private Business, which I have all along Omitted, as not to the purpose; on the Twenty First they did little, but read the Bill about Prohibiting Musters, &c. and past it with the Church Act.

M I N U T E LXXVIII.

Wednesday 26. February 1707.

Prayers said,
Rolls Called,

Report of the Committee anent the Accompts of the *African and Indian Company*, was brought in and read; and it was moved that the same should be Printed for Information.

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Moved

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Moved also, to proceed to the Consideration of the said Report, and that the same be read and proceeded on Paragraph by Paragraph.

And after Reasoning thereon, the Vote was stated, *Proceed to the Consideration of the Report, or Print the same.*

And before Voting, it was agreed, that if it should carry *Print*, the same should notwithstanding thereof be proceeded on the next *Sederunt* of Parliament.

Then the Vote was put, *Proceed, or Print*, and it carried *Print*.

Adjourned till Monday next at Ten of the Clock.

M I N U T E LXXIX

Monday 3. March 1707.

*Prayers said,
Rolls Called,*

Report of the Committee anent the Accompts of the *African and Indian* Company again read.

As also, an Overture *anent the Accompts of the said Company* brought in and read, and after Discourse thereon, It was moved to proceed on the Report of the Committee.

Moved also, to delay proceeding till the next *Sederunt* of Parliament, that the Overture be Printed; And after Debate, it was put to the Vote, *Proceed to the Report of the Committee, or Print the Overture*; and it carried *Print*.

Representation from the Council of Trade, reporting to the Parliament their procedure, and recommending their Clerk and other persons imployed by them, for a Gratification for their pains, read; And it was agreed, to give the Council of Trade the Thanks of the House for their pains and Attendance, and to take the case of the Clerk and other persons imployed by them to consideration when the Parliament comes to consider the publick Debts.

Adjourned till Wednesday next at Ten a Clock.

M I N U T E LXXX.

Wednesday 5. March 1707.

*Prayers Said,
Rolls Called,*

Petition for the Officers of the Army, in relation to the payment of their Arrears read, and it was agreed that the same shall be taken

taken to Consideration when the Parliament comes to consider the publick Debts.

Report of the Committee anent the Accompts of the *African* and *Indian* Company again read; As also the Overture anent the Accompts of the said Company: And after reasoning thereon,

It was agreed, that those of the *African* Company who payed the first Moiety of the seven and a half *per Cent.* and therein got allowance of the Annualrent of twenty five *per Cent.* formerly payed from the first of *June* 1696, till the first of *August* 1698, shall not now have allowance of the Annualrent of the said twenty five *per Cent.* preceeding the first of *August* 1698, and remitted to the Committee to rectifie the Accompt accordingly.

The Committee appointed to meet to Morrow at Nine of the Clock.

Adjourned till Friday next at Ten a Clock.

M I N U T E LXXXI.

Friday 7. March 1707.

*Prayers said,
Rolls Called,*

This Day the Parliament was only Employed on private Business.

O B S E R V A T I O N S LXXVIII, LXXIX, LXXX, LXXXI.

"The House had now very little publick Business before them, the Affair of the *African* Company, and such Things as related to the payment of the Equivalent were the principal Matters; And this is the Reason of putting so many days Minutes together, in which I omit the private Affairs before them, as not to my purpose.

"The Committee had been long upon the Affair of the Equivalent, they had settled the Coin, and given in the Report as before; The next thing was, to state the Accompts of the *African* Company, and this having taken them up a great deal of Time, was at last settled, and Reported by the Committee, and is as follows.

R E P O R T Of the Committee concern- ing the *Indian* and *African* Company.

Edinburgh 21. February 1707.

THe Committee to whom it was Remitted, to consider what the Capital Stock and Interest of the *African* Company may amount to; And how and to whom the same shall be pay'd,
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Having considered the foresaid Remit with a Representation given in to them by the Directors of the said Company, and the Companies Books and Accounts of Money payed in to them, with the Instructions relative thereto, and a Report of a Sub-Committee of their Number, who did Inspect and Examine the said Companies Books, with the saids Accounts and Instructions, and did Calculate the Sums therein contain'd, FIND, that the total Capital Stock advanced by the Proprietors of the said Company, with Interest thereof at five *per Cent.* from the respective Terms at which the same was payable, to the first of *May One Thousand seven Hundred and seven*, extends in all to Two Hundred and Twenty Nine Thousand Four Hundred and Eighty Two Pounds Fifteen Shillings one Penny and Five Sixths of a Penny *Sterling*; And that the total Accounts of the Debts due by the Company, the Instructions whereof were also produced to and considered by the Committee, extends in Principal and Interest to the Sum of Fourteen Thousand Eight Hundred and Nine Pounds Eighteen Shillings Eleven Pence *Sterling*; Both which Sums together amount to Two Hundred and Forty Four Thousand Two Hundred and Ninety Two Pounds, Fourteen Shillings and Five Sixths of a Penny *Sterling*, out of which Sums is to be deduced, of Money Lent to severals of the Proprietors, with the Interest thereof, the Sum of One Thousand One Hundred and Twenty Six Pounds Thirteen Shilling Nine Pence, and Five Sixths of a Penny; So that there remains yet due to the Proprietors of the said Company of neat Ballance upon the first of *May* next, the Sum of Two Hundred and Forty Three Thousand, One Hundred and Sixty Six Pounds Three Pence *Sterling*; Which Sums the Committee are of Opinion should be payed in to the Company, or these Commissioned by them, out of the Equivalent upon the first Day of *May* Next: And the Committee are of Opinion, that the Court of Directors and Council General Nominate some particular Persons, who shall be Authorized to receive the hail Capital Stock and Interest payable to the Company, from the Commissioners to be appointed for the Equivalent, and who shall be impowered to grant a Discharge thereof, with absolute Warrantice; And that the saids Persons so to be Named, in Conjunction with a Committee of Parliament, to be Named as Overseers, shall be lyable for the said Money's being truly applyed and payed to the Proprietors without Loss, Delay or Defalcation; And that the Receipts granted by the *Companies* Cashiers, or Extracts of the Proprietors payment out of their Books, shall be a sufficient Instruction of each Mans share, to Intitle them to demand payment thereof, which Extracts shall be given *gratis*; And that the Certificate, or Extract out of their Books shall be a sufficient Warrant for a Charge of Horning for payment of their Shares, against the Persons to be named who receives the Money. And the Committee are of Opinion that *Gavin Plummer* and *Andrew Cockburn*, who were Cashiers of the said Company when the Sums of Money foresaid were payed in to the Company should now be the Cashiers and Tellers for receiving the Sums

Sums above-written from the Commissioners of the Equivalent, and for paying out and delivering the same to the respective Proprietors, and others deriving Right from them, upon the said *Gavin Plummer & Andrew Cockburn*, their finding sufficient Caution of their Faithfulness in performing the Premises in the same manner as they found formerly; And in case the said Sum be not pay'd at the said first of *May* next, to the Persons foresaid, Then, and in that case, the Committee are of Opinion, That the Sum of One Hundred and Fifty Five Thousand and Fifty Four Pounds Fifteen Shillings and Two Thirds of a Penny, as a part of the said Total Sum due and payable at the said first day of *May* next, should bear Annualrent from and after the said first day of *May*, during the not payment thereof, and that the Annualrent after the first of *May* foresaid, effeiring to the said Sum of One Hundred and Fifty Five Thousand and Fifty Four Pounds Fifteen Shillings and Two Thirds of a Penny, should be payed out of the Equivalent in the same manner and to the same Persons, as the principal Sum and Annualrents due before the said first of *May* next.

And also the Committee find, That the Debts due to the *Company* by the Proprietors of their Subscription-Money, with Interest till the first of *May* next, extends to the Sum of Twenty Two Thousand Nine Hundred and Fifty One Pounds Three Shillings Three Pence and Three Sevenths of a Penny, which Sum the said Committee are of Opinion, needs not be sought in from the said Debtors, in regard the same behoved to be payed back to them, and would increase the Capital Stock due to the *Company*.

And the Committee find, That the Dead Stock belonging to the said *Company*, and consisting of the Ship the *Caledonia* lying in the River of *Clyde*, with her Furniture, Guns, and Apparelling, That Lodging at the Back of *Milns* Square over against the *Tron-Kirk*, with some little Household Plenishing therein, and the *Companies* Share of the Cargo of the *Speedwel* Shipwrecked in the *East-Indies*, effeiring to the Stock of Six Hundred Pounds *Sterling*, with the Burden of Cellar Rent of the Stores of the *Caledonia*, and the Expences of keeping the said Ship after the first of *May*, and of the Fraught, Seamen and Factors Wages of the said Cargo of the *Speedwell*, and other supervenient Charges upon the said Ship and Cargo, doth, in the whole, extend to One Thousand Six Hundred and Fifty Four Pounds Eleven Shillings and Two Thirds of a Penny *Sterling*; As to which, the Committee having considered, That the Commissioners of the Council General and Directors, who are to Receive the Money, and grant Discharges therefore, are not only to be bound in absolute Warrantice by the said Discharges, but be obliged to give personal Attendance both at receiving in and giving out the said Money, and to keep an Office for that Effect, and to pay Cashiers, Tellers and Book-keepers, and to provide Books, Chests and other Conveniencies for receiving and keeping the Money, until it be payed out, and will be likeways obliged and burdened to employ Advocates, Writers and other Persons, for Advising the Dis-

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charges to be granted at receiving, and paying out of the Money, and defending Processes on Competition of Rights, or making up of sufficient Titles in the Person of these who are to receive out the Money, and the necessary Attendance and Loss of Time of the said Commissioners of the Council General and Directors, both for by-gones and in time coming, and the Losses upon Telling at receiving in and giving out of the Money; The said Committee are of Opinion, That the foresaid Dead Stock, extending in hail, with and under the said Burden, to the said Sum of One Thousand Six Hundred and Fifty Four Pounds Eleven Shillings and Two Thirds of a Penny *Sterling*, ought to be allowed to the said Company, and retain'd by them for the Ends and Uses foresaid, and particularly, to enable the Council General and Directors of the said Company to pay such necessary Allowances & Satisfaction to the several Gentlemen who suffered in their Persons and Goods for the Companies Services, as their Services, Losses and Sufferings do justly merit:

And the Committee having considered the Act of Parliament establishing the Company, Privileges therein-contained, and that part of the Representation relating thereto, They are of Opinion, That, when the Company is Dissolved, and the Capital Stock and Interest paid in by the Commissioners, and others intrusted with the Equivalent, to the Hands of the Commissioners appointed by the Council General and Directors to receive the same, every Proprietors Share may be recovered out of the Hands of the said Commissioners, to be appointed by the said Council General and Directors, as other Money belonging to private Persons.

Sic Subscribitur HADDINGTON I. P. C.

“On the Third of *March* the Report of the Committee was only again read, and little done, the Day being taken up on private Business.

“On the Fifth they spent a little Time in considering further the Report of the Committee —, and read an Overture concerning the Debts of the Company, which, as it was the Foundation of the Act that afterwards passed, and by which all this Matter was settled, I think it very needful to publish it, and have therefore placed it in the *Appendix*, N^o. A x x.

“Upon this Overture, as is above noted, together with the Report of the Committee, the Act for settling the payment of these Things out of the Equivalent to the *African* Company was built, and the Regulation being exactly set down in the Print, any further Observation seems needless.

M I N U T E LXXXII.

Monday 10. March 1707.

Prayers Said,
Rolls Called,

Thereafter the Six Clerks of Session were Recommended to Her Majesty, and to the Lords Commissioners of Her Majesties Thesaurry and Exchequer, and other Managers of the publick Revenues, for payment of the Gratification allowed to them by the Parliament, for their Pains and Services in the Terms of a Recommendation thereanent.

Report brought in from the Committee, to whom it was remitted the fifth instant, to reconsider the Accompt due to the *Indian and African Company* was read; whereby deducing the Annual-rents formerly allowed by the Company, the Total of the Sums due to the Company of Stock, Interest and Debts at the first of May next, will only extend to L. 232884 05; *Sterling*.

And after some Reasoning thereon, the Vote was put, *Approve of the above Sum as the Quota, Yea, or Not*; and it carried, *Approve*.

Thereafter it was moved, That seeing the *Quota* due to the *Indian and African Company* was now established, that the Distribution of the above *Quota* shall be committed to the Commissioners appointed, or to be appointed for disposing of the Equivalent, who are to be under the same Obligations and Qualifications, and lyable to the same Diligence to the several Proprietors and Creditors of the Company, as is contained in the Report of the Committee.

And it was also moved, That the above hail *Quota* shall be payed in together to such Persons as are, or shall be appointed by the Council General or Directors of the Company, for distributing thereof in the above Terms.

And after some Debate, a Vote was stated, *Whether the Quota due to the Indian and African Company shall be payed by the Commissioners for disposing of the Equivalent (who shall be lyable conjunctly and severally in solidum to a Charge of Horning as upon Forreign Bills and Inland Precepts, and that the payment shall be made by the said Commissioners to each particular Proprietor without Delay, Loss or Defalcation, and that the saids Commissioners, nor any of them, or any other in their Name upon their Account, or for their Behove, shall not take Right to the saids Debt, or make Compositions or Transactions thereanent, under the Pain of Infamy and other Pains of Law;) or to Persons to be appointed by the Council General and Directors of the Company.*

But before Voting, it was agreed, That the Members Votes be marked, and that the List of their Names, as they shall Vote, be Printed and Recorded.

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Then the Vote was put, *Whether the Money shall be payed by the Disposers of the Equivalent to the Proprietors; or, to Persons to be appointed by the Council General, and it carried, to the Proprietors.*

Ordered, That the Directors of the *Indian and African Company* shall, betwixt and the first day of *May* next to come, make up exact Lists of the respective Debts which then fall due to the several Proprietors of the said Company, or to such Persons to whom the same is transferred by the first Proprietors, and that the said Lists so made up shall be subscribed by Five of the Directors, and by them be delivered in to the Managers of the Equivalent, betwixt and the said Day.

As also Ordered, That the said Directors shall, when required, give out to every Proprietor, or Person, in whose favours Transferences are, or shall be made, exact Abbreviates of the particular Sums which fall due to each of them, at the said first Day of *May* next, subscribed by Three of the said Directors, and that *gratis*, in Order to the Proprietors or Persons, to whom the same is transferred, their demanding payment thereof, or using Diligence therefore.

Ordered likewise, That the said Directors shall, betwixt and the said first Day of *May* next to come, make up an exact Accompt of all Debts due by the said Company, and to whom, and of the Extent of every Creditors Debt at the said first Day of *May* next, and that they shall, betwixt and the said Day, deliver to the Disposers of the Equivalent, the said Accompt duly subscribed by Five of the said Directors; As also, That they shall give out to every Creditor an Abbreviate of the particular Debts due to him *gratis*, which is to be subscribed by Three of the said Directors to the effect foresaid.

Ordered, That Diligence shall pass, and be directed at the Instance of the Disposers of the Equivalent against the Directors of the said Company, for recovering exact Lists and Accompts of all the Debts of the Company immediately after the said first Day of *May* next, in case of their Deficiency.

Ordered also, That the said Directors shall, betwixt and the first Day of *May* next, make up and deliver in as above, exact Lists and Accompts of the dead Stock of the said Company, and that the said Directors shall have Allowance of the Sum of 300 *lib. Sterling*, out of the first and readiest of the Price of the Companies House to be disposed of by them, for defraying the Charges of making up the Lists and Accompts.

And upon a Petition given in by Captain *Colin Campbell*, Captain *Charles Stuart*, Lieutenant *Robert Turnbull*, who were Sufferers and Losers in the Companies Expedition and Service, there was a Sum allowed to them out of the said dead Stock, conform to an Interloquitor on their Petition.

Agreed also, That, upon the Commissioners for disposing the Equivalent, their receiving of the above Sum of 232884 *lib. 5 sh. ½ Sterling*, there shall be a Proclamation issued from the Privy Council,

cil, certiorating the Liedges, That the said Sum is in their Hands, and thereupon agreed, that the said Company be dissolved.

Report brought in from the Committee anent the Coyn was read, and the further Consideration thereof delayed till next Sederunt of Parliament.

Adjourned till to Morrow at Ten of the Clock.

M I N U T E LXXXIII.

Tuesday 11. March 1707.

*Prayers said,
Rolls Called,*

Report brought in from the Committee, anent the payment of some Debts found due by the *African* and *Indian* Company, not formerly stated out of the dead Stock of the said Company, and recommending several other persons in Consideration of their Losses and Sufferings, to be payed out of the said dead Stock read, and the Report approved, as to the payment of the Company's Debts out of the dead Stock, and the Remainder of the said dead Stock after payment of 650 *lib. sterl.* formerly appointed to be payed furth thereof, and after payment of the above Debt: was granted to be applyed and divided amongst the persons mentioned in the said Report, and among the Representatives of Mr. *Alexander Ogilvie*, *Andrew Brown*, *Hugh Ross*, and Captain *Alexander Montgomery*, and none other, by such Proportions as the Committee shall think fit, to whom the Determination thereof is remitted.

Report of the Committee anent the Coyn again read, and the first Paragraph thereof thereafter read, and after some debate thereon, the further Consideration adjourned till next Sederunt of Parliament.

Adjourned till Thursday next at Ten a Clock.

M I N U T E LXXXIV.

Thursday 13. March 1707.

*Prayers said,
Rolls Called,*

Report of the Committee anent the Coyn again read, and upon reading of the second Paragraph of the said Report, that for making up of the Losses which private Persons may sustain by the *English* Money as its now current in this Kingdom; particular Persons be

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appointed, before whom all persons are by Proclamation to be required to compear and tell down what *English Money* they have.

It was moved, that the filling up of the Persons and Places where the Money is to be told down, be remitted to the Privy Council.

And after some Discourse thereon, the Vote was put, *Remit to the Privy Council to name the Persons, Places and Time; Or, determine in Parliament*, and it carried *Remit*.

Agreed, that the Loss by the Silver coyned is only to be made up.

And after several other Additions and Amendments, the Report of the Committee as amended was approved *nemine contradicente*.

And it was remitted to the Privy Council to emit a Proclamation thereant, in such Terms, and with such Orders, and appointing the Execution thereof after such Method and Manner as they shall think fit, conform to a particular Remit and Order of Parliament thereanent.

Adjourned till Monday next at Ten of the Clock.

MINUTE LXXXV.

Monday 17. March 1707.

*Prayers Said,
Rolls Called.*

Overture for an Act for selling Herring by Measure, read, and Ordered to be Printed.

Overture for an Act for Rescinding the 15 Act of the 5 Session of King William's Parliament, Entituled, *Act for Encouragement of Preachers at Vacant Churches be North Forth*; and the 13th Act of the 6th Session of King Williams Parliament, Entituled, *Act in favours of the African and Indian Company*, Read, and ordered to ly on the Table.

Overture for an Act for payment of the Capital and Interest to the Proprietors of the *African and Indian Company of Scotland* out of the Equivalent, read, and after some Amendments, a first reading ordered to be marked thereon, and ordered to be Printed before a second reading.

Act for Burying in Woollen read a second time, and after reasoning thereon, it was put to the Vote, *Approve of the Act or Not*; and it carried *Approve*.

Overture for an Act concerning *Chirurgeons and Apothecaries in Edinburgh*, read a second time.

Petition for the Royal Colledge of Physicians in *Edinburgh* against the said Act also read, and after reasoning, it was moved that the Physicians ought to be cited before the Act can pass; And it was

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also moved, that the Physicians be heard thereanent next *Sederunt* of Parliament.

And after further reasoning, the Vote was stated, *Hear the Parties Procurators next Sederunt, or Cite*; and it carried *Cite*.

Adjourned till Wednesday next at Ten a Clock.

OBSERVATIONS LXXXII, LXXXIII, LXXXIV, LXXXV.

"The Committee had now settled the Sum, which in the
 'Gross was to be paid to the Proprietors of the *African* Com-
 'pany; the Question that remained, was, by what Method it
 'should be Distributed, and to whom it should be paid —;
 'Two Motions were made about it.

"1. That it should be paid out by the Commissioners
 'who were to be appointed for the general Distribution
 'of the Equivalent, and by them immediately paid to the
 'Persons, who had a Right to the payment by Act of Par-
 'liament.

"2. Some thought this was Dishonourable to the Di-
 'rectors of the Company, and they moved, that they
 'should appoint Persons to Receive and Distribute the
 'Money, but this last met with very little Approbation.

"I care not to take notice of some Disputes that happened
 'upon this Occasion, because they seemed to make Personal
 'Reflections—; and only signified, that some People were more
 'Jealous of one another, than I hope there was occasion for on
 'either Side —; But it was evident, the People who were
 'to receive the Money, were Generally most Concerned to
 'have it paid them by the Commissioners of the Equivalent
 'immediately, as being the surest Method, and so it was at
 'last agreed.

"The Money being thus Directed, and who should have the
 'payment, it is not Material to take notice of the several Claims
 'put in, Debts demanded of the Company, and Services to be
 'rewarded, they were all matter of private Interest, and I
 'omit them of course.

"The Affair of the Coyn, and the Report of the Committee,
 'I have Noted already, and as it issued in a Proclamation, and
 'that Proclamation recited the Report of the Committee, I
 'have inserted the whole in the *Appendix N° L x x*.

"On the Seventeenth the Act for the payment of the Capi-
 'tal and Interest of the *African* and *Indian* Company was read,
 '& little more but private Business was done, the Union was now
 'Finished in *England*, and expected down every day, & the Par-
 'liament, saving the dispatch of some private Bills, had no-
 'thing

‘ thing before them but the *African* Affair; which held them
 ‘ just to the end of their Time.

MINUTE LXXXVI.

Wednesday 19. March 1707.

Prayers said,
 Rolls Called,

Then my Lord Commissioner made the following Speech, viz.
 My Lords and Gentlemen, *I have received by Her Majesties Command
 an Exemplification, under the Great Seal of England, of the Act past
 in the Parliament of that Kingdom, Ratifying the Treaty of Union in
 the same terms as the Treaty was past here.*

*Her Majesty orders it to be inserted in the Books of Parliament, and
 to remain with the Records of this Kingdom; for which end I have
 put it in my Lord Clerk Registers Hand.*

My Lords and Gentlemen, *It is a great Satisfaction to the Queen
 that the Union is thus happily concluded in Her Reign, and I'm com-
 manded by Her Majesty to assure you, that nothing shall be omitted on
 Her part, to make the whole Island feel the good Effects of it.*

*And as I doubt not but the finishing of this great Affair is acceptable to
 you, so I hope you will study to promote a cordial Union with our Neigh-
 bours, for the greater Happiness and Advantage of both Kingdoms.*

Then the Exemplification of the Act of the Parliament of Eng-
 land ratifying the Treaty of Union betwixt Scotland and England,
 under the Great Seal of England, was read, and ordered to be re-
 corded.

*Act for securing the Protestant Religion and Presbyterian Church Go-
 vernment. Act ratifying and approving the Treaty of Union of the
 two Kingdoms of Scotland and England, And Act for settling the
 manner of Electing the sixteen Peers and forty Members to represent
 Scotland in the Parliament of Great Britain, were ordered to be
 Proclaimed and Printed.*

Thereafter the Act for payment of the Capital and Interest to the
 Proprietors of the African and Indian Company of Scotland out of the
 Equivalent, was again read: As also read over by Paragraphs.

And upon reading the last Paragraph, a Petition for the Earl of
 Crawford, craving that a Debt due to the deceased Major John Lind-
 say by the African Company, might be allowed out of their Effects,
 was read, and an allowance was granted in the terms of a delive-
 rance thereon.

As also, upon another Petition given in by the Relict of Captain
 Baillie, who died in the said Companies Service, for some Allow-
 ance for her great Loss, an Allowance was also granted to her in

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the terms of a deliverance thereon; and after several Amendments were made upon the said Act, the same was voted and approved.
Adjourned till Friday next at Ten a Clock.

O B S E R V A T I O N LXXXVI.

" Now the Work drew towards a Close, the long Hopes of those People who promised themselves Doubts, Delays, and long Hesitations in *England*, were intirely Vanished, and People were generally surprized at, the Treaty being so readily and so summarly past in *England*; The Gentlemen on the other Side, had two kinds of Expectation from the Parliament of *England*.

" 1. Delay and length of Time, in Debating and Disputing, with Amendments, *Conferences*, and free *Conferences* between the Upper and Lower House of Parliament in *England*, according to the known Way and Usage, in Cases of such Difficulty as this was.

" 2. Amendments or Alterations, which might occasion the respective Articles so Amended, to be Remitted or Returned to the Parliament of *Scotland* to be Reconsidered, by which means not the particular Articles only, but perhaps the whole Treaty might necessarily go thro' the Hands of the Parliament in *Scotland* again, and so the Time which began to approach, viz. The First of May, at which Time the Union was to take place, should be Elapsed; and so it might be put off to another Parliament, and the Work be to be done over again.

" But all Men were surprized, when they understood the Parliament of *England* had past it in the Gross, without the least Deviation, Alteration or Amendment.

" The Additions which the *English* Parliament made, by inserting the Act of Security for the Church of *England* in the Body of the Union, agreeable to the same in *Scotland*, was nothing but what was provided for, according to that Clause before Noted, in these Terms, *Tbat the Parliament of England may provide for the Security of the Church of England, as they think expedient, to take place within the said Bounds of the Kingdom of England, and not Derogating from the Security above provided, for Establishing the Church of Scotland within the Kingdom of Scotland, as per the Act of Ratification appears; which Ratification with the Exemplification as it came down from England, is at large Printed immediately after these Minutes.*

M I N U T E LXXXVII.

Friday 21. March 1707.

*Prayers said,
Rolls Called,*

Upon a Representation by the Directors of the *African* Company, That, since the Committees Report anent the Debts of the said Company, and Act of Parliament thereupon, there appears some small Claims against the Directors upon the Companies Accompt; The Parliament did recommend to the Commissioners for the Equivalent, to pay such further Sums, as shall be duly instructed by the Directors on the Companies Accompt, not exceeding the Sum of One Hundred and Fifty Pounds *Sterling*.

Warrant granted to cite the Physicians of the Royal Colledge of *Edinburgh* in common Form, upon a Petition given in by the Chirurgion Apothecaries.

Report of the Committee anent the publick Debts read, and an Overture for an Act concerning *publick Debts* also read; and a first Reading ordered to be marked thereon, and ordered to be Printed before a second Reading.

Adjourned till Monday next at Ten of the Clock.

M I N U T E LXXXVIII.

Monday 24. March 1707.

*Prayers said,
Rolls Called,*

Additional Lists of Commissioners of Supply for several Shires given in and read, and ordered to be added to the Commissioners formerly named for the said respective Shires:

Thereafter the Act concerning *publick Debts* read a second time, and again read over by Paragraphs, and after some Amendments and Additions, the Acts as amended was voted and approven.

Then it was moved, That now, in the Conclusion of the Parliament, a Letter to Her Majesty be brought in, and a Draught of a Letter being accordingly brought in and read, the same, after some Amendments, was voted and approven.

Thereafter the following Petitions, *viz.* Petition *Thomas Lockhart* Surveyer at *Leith*, Petition Ensign *William Dick*, Petition Mr. *Robert Henderson* Bibliothecar of the Colledge of *Edinburgh*, were all mov-

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ed, and recommended to Her Majesty in the Terms of the Deliverances on their respective Petitions.

Petition *Alexander Black* and Partners of a Starch Manufactory for endowing their Work with the Privileges of other Manufactories, and for imposing a Duty on Forreign Starch, read, and the Desire thereof granted in part, conform to a Deliverance on the Petition.

James Finlayson Servitor to Mr. *Robert Alexander* one of the Clerks of Council and Session, Recommended to Her Majesties Thesaury, conform to a Deliverance on his Petition.

Petition *John Hamilton* Town Clerk of *Irvine* moved, and recommended to Her Majesty in the Terms of a Deliverance thereon.

Adjourned till to Morrow at Ten of the Clock.

MINUTE LXXXIX.

Tuesday 25. March 1707.

Prayers Said,

Rolls Called,

James Cunningham of *Auchinbarvie* younger, was, upon his Petition, Recommended to Her Majesty in the Terms of the Deliverance thereon.

The Lord President and remanent Lords of Council and Session Recommended in a special manner to Her Majesty for the Augmentation of their Sallaries, conform to a Recommendation apart.

The Macers and Clerks Servants, and Keepers and Servants of the House, Recommended to the Lords of Her Majesties Thesaury, for a Gratification for their Attendance and Service this Session of Parliament, conform to Deliverances on their respective Petitions.

James Steven Usher likeways Recommended to the Lords of Thesaury upon a Petition, conform to a Deliverance thereon.

William Bayne, upon a Petition, Recommended to Her Majesty, conform to the Deliverance on the said Petition.

Acts of Ratification in favours of several Persons read and past.

Protestation taken in favours of the Duke of *Hamilton* against one of the above Ratifications in favours of the Duke of *Douglafs*, in so far as concerns his first Vote in Parliament, and other Precedencies therein-mentioned.

As also several Warrants for Fairs read and granted.

Ordered, That the Fairs granted this Session of Parliament, if not Extracted within Six Months, shall be void and null.

It being moved to Recommend Mr. *William Paterson* to Her Majesty for his good Service; after some Reasoning thereon, it was put to the Vote, *Recommend him to Her Majesty, or Not*; and it carried, *Recommend.*

Alexander Baillie Servitor to the Lord Register Recommended to the Lords of Thesaury, on a Petition conform to Deliverance thereon.

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The following Acts, viz. *Act in favours of the Incorporations of Edinburgh for a Maiden Hospital, Act in favours of the Town of Dundee, Act in favours of the Town of Aberdeen, Act in favours of the Duke of Hamilton and Town of Borrowstounness, Act in favours of the Burgh of Kirkaldie, Act renouncing the Reversion of Kirk-lands, Act in favours of the Burgh of Kinghorn, Act for clearing the Passage through the Mary-Wynd in the Burgh of Stirling, Act in favours of the Earl of Linlithgow and Callendar, Act in favours of the Lady Littlegil and her Son, Act of Naturalization of John Henry Huguetan, Act for the Naturalization of several Forreigners, Act for preserving the Game, Act in favours of the Earl of Buchan, Act of Dissolution of the Mines and Minerals belonging to his Grace the Duke of Queensberry, Act for burying in Woollen, Act in favours of the Maiden-Hospital, founded by the Company of Merchants and Mary Erskine, Act concerning the payment of the Sums out of the Equivalent to the African Company, and Act concerning the publick Debts,* were all touched with the Royal Scepter by Her Majesties High Commissioner in the usual manner.

Act Salvo Jure Cujuslibet read, and it being again read over, it was Voted and Approven, and touched with the Royal Scepter by Her Majesties High Commissioner in the usual manner.

Then His Grace Her Majesties High Commissioner made the following Speech.

My Lords and Gentlemen,

The Publick Business of this Session being now over, it is full time to put an end to it.

I am perswaded, That we and our Posterity will reap the Benefit of the Union of the Two Kingdoms, and I doubt not, That, as this Parliament has had the Honour to conclude it, you will, in your several Stations, recommend to the People of this Nation, a Grateful Sense of Her Majesties Goodness and great Care for the Welfare of Her Subjects, in bringing this Important Affair to Perfection, and that you will promote an Universal Desire in this Kingdom to become one in Hearts and Affections, as we are inseparably joyn'd in Interest with our Neighbour Nation.

My Lords and Gentlemen,

I have a very deep Sense of the Assistance and Respect I have met with from you in this Session of Parliament, and I shall omit no Occasion of shewing, to the outmost of my Power, the Grateful Remembrance I have of it.

Adjourned till the Twenty Second Day of April next.

OBSERVATIONS LXXXVII, LXXXVIII, LXXXIX.

“ We are now come to the End of the Work, the Exemplification of the Treaty had been Read and Recorded, and all things relating to the Union was over.

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“ What follows, amounted to nothing but passing and touching the private Acts of the Parliament that lay yet before them, and recommending to Her Majesty such Persons as the Parliament thought merited well from the Government, and most of whose Employments were to cease with the Alteration of the Government---; And this being done, the Commissioner concluded the whole with a Speech as above, and the Parliament broke up---, was Adjourned as *per* the Minute, and afterward, *viz.* The Twenty Eighth of *April*, Dissolved.

Here follows the exact Copy of the Act of Ratification of the Treaty of Union, as it was pass'd in the Parliament of *Scotland*, with the Exemplification thereof from *England*, as it stands Recorded in *Scotland*, by Order of the Parliament there.

ACT Ratifying and Approving the Treaty of the Two Kingdoms of Scotland and England.

January 16. 1707.

THE Estates of Parliament Considering, That Articles of Union of the Kingdoms of *Scotland* and *England*, were Agreed on the Twenty Second of *July*, One Thousand Seven Hundred and Six Years, by the Commissioners Nominated on Behalf of this Kingdom, under Her Majesties Great Seal of *Scotland*, bearing Date the Twenty Seventh of *February* last past, in pursuance of the Fourth Act of the Third Session of this Parliament, and the Commissioners Nominated on Behalf of the Kingdom of *England*, under Her Majesties Great Seal of *England*, bearing Date at *Westminster* the Tenth Day of *April* last past, in pursuance of an Act of Parliament made in *England* the Third Year of Her Majesties Reign, To Treat of and concerning an Union of the said Kingdoms; Which Articles were, in all Humility, presented to Her Majesty, upon the Twenty Third of the said Month of *July*, and were Recommended to this Parliament by Her Majesties Royal Letter of the Date the Thirty One Day of *July* One Thousand Seven Hundred and Six; And that the said Estates of Parliament have agreed to, and approved of the said Articles of Union, with some Additions and Explanations, as is contained in the Articles hereafter insert. And likewise, Her Majesty, with Advice and Consent of the Estates of Parliament, resolving to Establish the Protestant Religion and Presbyterian Church Government within this Kingdom, has past in this Session of Parliament an Act, Intituled, *Act for securing of the Protestant Religion and Presbyterian Church Government*, which, by the Tenor thereof, is appointed to be insert in any Act Ratifying the Treaty, and expressly Declared to be a Fundamental and Essential Condition of the said Treaty of Union in all time coming. Therefore Her Majesty, with Advice and Consent of the Estates of Parliament, in Fortification of the Approbation of the Articles as above-mentioned, and for their further and better Establishment of the same, upon full and mature Deliberation upon the fore-said Articles of Union, and Act of Parliament, Doth Ratify, Approve and Confirm the same, with the Additions and Explanations contained in the saids Articles, in manner, and under the Provisions after-mentioned,

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whereof

whereof the Tenor follows. I. *ARTICLE*, That the Two Kingdoms of *Scotland* and *England* shall, upon the First Day of *May* next ensuing the Date hereof, and for ever after, be United into one Kingdom by the Name of *GREAT-BRITAIN*, and that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint, and the Crosses of St. *Andrew* and St. *George* be conjoined in such manner as Her Majesty shall think fit, and used in all Flaggs, Banners, Standards and Ensigns, both at Sea and Land. II. That the Succession to the Monarchy of the United Kingdom of *Great-Britain*, and of the Dominions thereunto belonging, after Her most Sacred Majesty, and in Default of Issue of Her Majesty, be, remain and continue to the most Excellent Princess *Sophia* Electress and Dutches Dowager of *Hannover*, and the Heirs of Her Body, being Protestants, upon whom the Crown of *England* is settled by an Act of Parliament made in *England*, in the Twelfth Year of the Reign of His late Majesty King *William* the Third, Intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*: And that all Papists, and Persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess or enjoy the Imperial Crown of *Great-Britain*, and the Dominions thereunto belonging, or any part thereof, and in every such case, the Crown and Government shall, from time to time, descend to, and be enjoyed by such Person, being a Protestant, as should have inherited and enjoyed the same, in case such Papist, or Person marrying a Papist, was naturally dead, according to the Provision for the Descent of the Crown of *England*, made by another Act of Parliament in *England*, in the First Year of the Reign of Their late Majesties King *William* and Queen *Mary*, Intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. III. That the United Kingdom of *Great-Britain* be Represented by one and the same Parliament, to be stiled the Parliament of *Great-Britain*. IV. That all the Subjects of the United Kingdom of *Great-Britain*, shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging, and that there be a Communication of all other Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles. V. That all Ships or Vessels belonging to Her Majesties Subjects of *Scotland*, at the Time of Ratifying the Treaty of Union of the Two Kingdoms in the Parliament of *Scotland*, though Foreign built, be deem'd and pass as Ships of the Build of *Great-Britain*: The Owner, or where there are more Owners, one or more of the Owners, within Twelve Months after the First of *May* next, making Oath, That, at the time of Ratifying the Treaty of Union in the Parliament of *Scotland*, the same did, in hail or in part, belong to him or them, or to some other Subject or Subjects of *Scotland*, to be particularly Named, with the place of their respective Abodes, and that the same doth they, at the time of the said Deposition, wholly belong to him or them, and that no Foreigner, directly or indirectly, hath any Share, Part or Interest therein; Which Oath shall be made before the Chief Officer, or Officers of the Customs, in the Port next to the Abode of the said Owner or Owners; And the said Officer, or Officers, shall be Impowered to Administer the said Oath: And the said Oath being so Administred, shall be Attested by the Officer, or Officers, who Administred the same, and being Registred by the said Officer or Officers, shall be delivered to the Master of the Ship for Security of her Navigation, and a Duplicate thereof shall be transmitted by the said Officer or Officers, to the Chief Officer or Officers

of the Customs in the Port of *Edinburgh*, to be there entered in a Register, and from thence to be sent to the Port of *London*, to be there entered in the general Register of all Trading Ships belonging to *Great-Britain*. VI. That all parts of the United Kingdom for ever, from and after the Union, shall have the same Allowances, Encouragements and Drawbacks, and be under the same Prohibitions, Restrictions and Regulations of Trade, and lyable to the same Customs and Duties on Import and Export; And that the Allowances, Encouragements and Drawbacks, Prohibitions, Restrictions and Regulations of Trade, and the Customs and Duties on Import and Export settled in *England*, when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom, Excepting and Reserving the Duties upon Export and Import of such particular Commodities, from which any Persons, the Subjects of either Kingdom, are specially Liberated and Exempted by their private Rights, which, after the Union, are to remain safe and intire to them, in all respects, as before the same; And that, from and after the Union, no *Scots* Cattle carried into *England*, shall be lyable to any other Duties, either on the publick or private Accounts, than these Duties, to which the Cattle of *England* are, or shall be lyable within the said Kingdom. And seing, by the Laws of *England*, there are Rewards granted upon the Exportation of certain kinds of Grain, wherein Oats Grinded or Ungrinded are not expresse, That, from and after the Union, when Oats shall be sold at Fifteen Shillings *Sterling* per Quarter, or under, there shall be payed Two Shillings and Six Pence *Sterling* for every Quarter of the Oat Meal Exported in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grains, and that the Bear of *Scotland* have the same Rewards as Barley. And in respect the Importation of Victual into *Scotland*, from any place beyond Sea, would prove a Discouragement to Tillage, Therefore, That the Prohibition, as now in Force by the Law of *Scotland*, against Importation of Victual from *Ireland*, or any other place beyond Sea into *Scotland*, do, after the Union, remain in the same Force as now it is, until more proper and effectual ways be provided by the Parliament of *Great-Britain*, for Discouraging the Importation of the said Victual from beyond Sea. VII. That all parts of the United Kingdom be for ever, from and after the Union, lyable to the same Excises upon all Exciseable Liquors, excepting only, that the Thirty Four Gallons *English* Barrel of Beer or Ale, amounting to Twelve Gallons *Scots* present Measure, Sold in *Scotland* by the Brewer at Nine Shillings Six Pence *Sterling*, excluding all Duties, and Retailled, including Duties and the Retailers Profit, at Two Pence the *Scots* Pint, or Eight Part of the *Scots* Gallon, be not, after the Union, lyable, on Account of the present Excise upon Exciseable Liquors in *England*, to any higher Imposition than Two Shillings *Sterling* upon the foresaid Thirty Four Gallons *English* Barrel, being Twelve Gallons the present *Scots* Measure, and that the Excise settled in *England* on all other Liquors, when the Union commences, take place throughout the whole United Kingdom. VIII. That, from and after the Union, all Foreign Salt, which shall be Imported into *Scotland*, shall be charged, at the Importation there, with the same Duties, as the like Salt is now charged with, being Imported into *England*, and to be levied and secured in the same manner. But in regard the Duties of great Quantities of Foreign Salt Imported, may be very heavy on the Merchants Importers, That therefore all Foreign Salt Imported into *Scotland*, shall be Cellared and Locked up under the Custody of the Merchant Importer, and the Officers imployed for levying the Duties upon Salt, And that the Merchant may have what Quantities thereof his Occasion may require, not under a Weigh or Four-

ty Bushels at a time, giving Security for the Duty of what Quantity he receives, payable in Six Months; But *Scotland* shall, for the space of Seven Years from the said Union, be Exempted from paying in *Scotland* for Salt made there, the Duty or Excise now payable for Salt made in *England*: But, from the Expiration of the said Seven Years, shall be subject and lyable to proportional Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England*, to be levied and secured in the same manner, and with the same Drawbacks and Allowances as in *England*; With this Exception, That *Scotland* shall, after the said Seven Years, remain Exempted from the Duty of Two Shillings and Four Pence a Bushel on Home Salt, Imposed by an Act made in *England* in the Ninth and Tenth of King *William* the Third of *England*. And if the Parliament of *Great-Britain* shall, at or before the Expiring of the said Seven Years, substitute any other Fund in place of the said Two Shillings and Four Pence of Excise on the Bushel of Home Salt, *Scotland* shall, after the said Seven Years, bear a Proportion of the said Fund, and have an Equivalent in the Terms of this Treaty: And that, during the said Seven Years, there shall be payed in *England*, for all Salt made in *Scotland*, and Imported from thence into *England*, the same Duties upon Importation, as shall be payable for Salt made in *England*, to be levied and secured in the same manner, as the Duties on Foreign Salt are to be levied and secured in *England*. And that, after the said Seven Years, how long the said Duty of Two Shillings Four Pence a Bushel upon Salt is continued in *England*, the said Two Shillings Four Pence a Bushel shall be payable for all Salt made in *Scotland*, and Imported into *England*, to be levied and secured in the same manner; And that, during the Continuance of the Duty of Two Shillings Four Pence a Bushel upon Salt made in *England*, no Salt whatsoever be brought from *Scotland* to *England* by Land in any manner, under the Penalty of Forfeiting the Salt, and the Cattle and Carriages made Use of in bringing the same, and paying Twenty Shillings for every Bushel of such Salt, and proportionally for a greater or lesser Quantity; for which the Carrier, as well as the Owner, shall be lyable jointly and severally, and the Persons bringing, or carrying the same, to be Imprisoned by any one Justice of the Peace by the space of Six Months without Bail, and until the Penalty be payed. And for Establishing an Equality in Trade, That all Flethes Exported from *Scotland* to *England*, and put on Board in *Scotland*, to be Exported to parts beyond the Seas, and Provisions for Ships in *Scotland*, and for Foreign Voyages, may be Salted with *Scots* Salt, paying the same Duty for what Salt is so Employed, as the like Quantity of such Salt pays in *England*, and under the same Penalties, Forfeitures and Provisions, for preventing of Frauds, as are mentioned in the Laws of *England*: And that, from and after the Union, the Laws and Acts of Parliament in *Scotland*, for Pineing, Curing and Packing of Herrings, White Fish and Salmond for Exportation with Foreign Salt only, without any Mixture of *British* or *Irish* Salt, and for preventing of Frauds in Curing and Packing of Fish, be continued in Force in *Scotland*, subject to such Alterations as shall be made by the Parliament of *Great-Britain*; And that all Fish Exported from *Scotland* to Parts beyond the Seas, which shall be Cured with Foreign Salt only, and without Mixture of *British* or *Irish* Salt, shall have the same Eases, Premiums and Draw-backs, as are or shall be allowed to such Persons as Export the like Fish from *England*: And that, for Encouragement of the Herring Fishing, there shall be allowed and payed to the Subjects Inhabitants of *Great-Britain*, during the present Allowances for other Fishes, Ten Shillings Five Pence Sterling for every Barrel of White Herrings which shall be Exported from *Scotland*; And that there

there shall be allowed Five Shillings *Sterling* for every Barrel of Beef or Pork Salted with Foreign Salt, without Mixture of *British* or *Irish* Salt, and Exported for Sale from *Scotland* to parts beyond Sea, alterable by the Parliament of *Great-Britain*. And if any Matters or Fraud relating to the said Duties on Salt shall hereafter appear, which are not sufficiently provided against by this Article, the same shall be subject to such further Provisions, as shall be thought fit by the Parliament of *Great-Britain*. IX. That, whenever the Sum of One Million Nine Hundred Ninety Seven Thousand, Seven Hundred and Sixty Three Pounds, Eight Shillings and Four Pence Half Penny shall be Enacted by the Parliament of *Great-Britain*, to be raised in that Part of the United Kingdom now called *England*, on Land, and other Things usually Charged in Acts of Parliament there, for granting an Aid to the Crown by a Land Tax, That part of the United Kingdom now called *Scotland* shall be Charged, by the same Act, with a further Sum of Fourty Eight Thousand Pounds free of all Charges, as the *Quota* of *Scotland* to such Tax, and so proportionally for any greater or lesser Sum raised in *England* by any Tax on Land, and other Things usually Charged, together with the Land; And that such *Quota* for *Scotland*, in the Cases aforesaid, be Raised and Collected in the same manner as the Cess now is in *Scotland*; but subject to such Regulations in the manner of Collecting, as shall be made by the Parliament of *Great-Britain*. X. That, during the Continuance of the respective Duties on Stamp Paper, Vellum and Parchment, by several Acts now in Force in *England*, *Scotland* shall not be Charged with the same respective Duties. XI. That, during the Continuance of the Duties payable in *England* on Windows and Lights, which Determines on the First Day of *August*, One Thousand, Seven Hundred and Ten, *Scotland* shall not be Charged with the same Duties. XII. That, during the Continuance of the Duties payable in *England* on Coals, Culm and Cinders, which determines the Thirtieth Day of *September* One Thousand Seven Hundred and Ten, *Scotland* shall not be Charged therewith, for Coals, Culm and Cinders consumed there, but shall be Charged with the same Duties as in *England* for all Coal, Culm and Cinders, not consumed in *Scotland*. XIII. That, during the Continuance of the Duty payable in *England* on Malt, which determines the Twenty Fourth Day of *June*, One Thousand Seven Hundred and Seven, *Scotland* shall not be Charged with that Duty. XIV. That the Kingdom of *Scotland* be not Charged with any other Duties laid on by the Parliament of *England* before the Union, except those consented to in this Treaty, in regard it is agreed, that all necessary Provision shall be made by the Parliament of *Scotland* for the Publick Charge and Service of that Kingdom, for the Year One Thousand Seven Hundred and Seven; *Provided*, nevertheless, That, if the Parliament of *England* shall think fit to lay any further Impositions, by way of Customs, or such Excises, with which, by virtue of this Treaty, *Scotland* is to be Charged equally with *England*, in such Case, *Scotland* shall be lyable to the same Customs and Excises, and have an Equivalent to be settled by the Parliament of *Great-Britain*; With this further Provision, That any Malt to be made and consumed in that part of the United Kingdom now called *Scotland*, shall not be Charged with any Imposition upon Malt during this present War; And seeing it cannot be supposed, that the Parliament of *Great-Britain* will ever lay any sorts of Burdens upon the United Kingdom, but what they shall find of necessity at that time for the Preservation and Good of the whole, and with due Regard to the Circumstances and Abilities of every part of the United Kingdom; Therefore it is agreed, That there be no further Exemption insisted upon for any part of the United Kingdom, but that the Consideration of any Ex-

emptions, beyond what are already agreed on in this Treaty, shall be left to the Determination of the Parliament of *Great-Britain*. XV. Whereas, by the Terms of this Treaty, the Subjects of *Scotland*, for preserving an Equality of Trade throughout the United Kingdom, will be lyable to several Customs and Excises now payable in *England*, which will be applicable towards payment of the Debts of *England*, contracted before the Union; It is agreed, That *Scotland* shall have an Equivalent for what the Subjects thereof shall be so Charged towards payment of the said Debts of *England* in all particulars whatsoever, in manner following, *viz.* That, before the Union of the said Kingdoms, The Sum of Three Hundred Ninety Eight Thousand and Eighty Five Pounds Ten Shillings be granted to Her Majesty by the Parliament of *England* for the Uses after-mentioned, being the Equivalent to be answered to *Scotland*, for such parts of the said Customs and Excises upon all Exciseable Liquors, with which that Kingdom is to be Charged upon the Union, as will be applicable to the payment of the said Debts of *England*, according to the Proportions which the present Customs in *Scotland*, being Thirty Thousand Pounds *per Annum*, do bear to the Customs in *England*, computed at One Million Three Hundred Fourty One Thousand Five Hundred and Fifty Nine Pounds *per Annum*, and which the present Excises on Exciseable Liquors in *Scotland*, being Thirty Three Thousand and Five Hundred Pounds *per Annum*, do bear to the Excises on Exciseable Liquors in *England*, computed at Nine Hundred Fourty Seven Thousand Six Hundred and Two Pounds *per Annum*, Which Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, shall be due and payable from the Time of the Union: And in regard, that, after the Union, *Scotland* becoming lyable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Exciseable Liquors as in *England*, as well upon that Account, as upon the Account of the Increase of Trade and People, (which will be the Happy Consequence of the Union) the said Revenues will much improve, beyond the before-mentioned Annual Values thereof, of which no present Estimate can be made; yet nevertheless, for the Reasons aforesaid, there ought to be a proportionable Equivalent answered to *Scotland*, It is agreed, That, after the Union, there shall be an Account kept of the said Duties arising in *Scotland*, to the end it may appear, what ought to be answered to *Scotland*, as an Equivalent, for such Proportion of the said Increase, as shall be applicable to the payment of the Debts of *England*; And for the further and more effectual answering the several Ends hereafter-mentioned, It is agreed, That, from and after the Union, the whole Increase of the Revenues of Customs and Duties on Import and Export, and Excise upon Exciseable Liquors in *Scotland*, over and above the Annual Produce of the said respective Duties as above stated, shall go and be applyed for the Term of Seven Years, to the Uses hereafter-mentioned, And that, upon the said Account, there shall be answered to *Scotland* Annually, from the End of Seven Years after the Union, an Equivalent, in Proportion to such part of the said Increase, as shall be applicable to the Debts of *England*; And generally, That an Equivalent shall be answered to *Scotland*, for such parts of the *English* Debts, as *Scotland* may hereafter become lyable to pay, by Reason of the Union, other than such, for which Appropriations have been made by Parliament of *England*, of the Customs or other Duties on Export and Import, Excises on all Exciseable Liquors, in respect of which Debts, Equivalents are herein before provided; And as for the Uses, to which the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings to be granted as aforesaid, and all other Moneys which are to be answered or allowed to

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Scotland as said is, are to be applied; It is agreed, That in the first place, out of the foresaid Sum, what Consideration shall be found necessary to be had for any Losses, which private Persons may sustain, by reducing the Coyn of Scotland to the Standart and Value of the Coyn of England, may be made good: In the next place, That the Capital Stock or Fund of the African and Indian Company of Scotland advanced, together with the Interest for the said Capital Stock, after the Rate of Five *per Cent. per Annum*, from the respective times of the payment thereof, shall be payed; Upon payment of which Capital Stock and Interest, It is agreed the said Company be dissolved and cease; And also, That, from the time of passing the Act of Parliament in England, for raising the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, the said Company shall neither Trade, nor grant Licence to Trade, *Providing*, That, if the said Stock and Interest shall not be payed in Twelve Months after the Commencement of the Union, That then the said Company may, from thence forward, Trade, or give Licence to Trade, until the said said Capital Stock and Interest shall be payed: And as to the Overplus of the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, after payment of what Considerations shall be had for Losses in repairing the Coyn, and paying the said Capital Stock and Interest; And also the said Increase of the said Revenues of Customs, Duties and Excises above the present Value, which shall arise in Scotland, during the said Term of Seven Years, together with the Equivalent which shall become due upon the Improvement thereof in Scotland after the said Term; And also, as to all other Sums, which, according to the Agreements aforesaid, may become payable to Scotland by way of Equivalent, for what that Kingdom shall hereafter become lyable towards payment of the Debt of England; It is agreed, That the same be applied in manner following, *viz.* That all the Publick Debts of the Kingdom of Scotland, as shall be adjusted by this present Parliament, shall be payed; And that Two Thousand Pounds *per Annum*, for the space of Seven Years, shall be applied towards Encouraging and Promoting the Manufacture of coarse Wooll, within these Shires which produce the Wooll, and that the First Two Thousand Pounds *Sterling* be payed at *Martima's* next, and so yearly at *Martima's* during the space aforesaid; And afterwards, the same shall be wholly applied towards Encouraging and Promoting the Fisheries, and such other Manufactures and Improvements in Scotland, as may most conduce to the general Good of the United Kingdom. And it is Agreed, That Her Majesty be Impowered to appoint Commissioners, who shall be accountable to the Parliament of Great-Britain, for disposing the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, and all other Moneys which shall arise to Scotland upon the Agreements aforesaid, to the Purposes before-mentioned; Which Commissioners shall be Impowered to Call for, Receive and Dispose of the said Moneys in manner aforesaid, and to Inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent may arise; And that the Collectors and Managers of the said Revenues and Duties, be obliged to give to the said Commissioners subscribed authentick Abbreviates of the Produce of such Revenues and Duties arising in their respective Districts; And that the said Commissioners shall have their Office within the Limits of Scotland, and shall in such Office keep Books, containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of, from time to time, which may be Inspected by any of the Subjects who shall desire the same. XVI. That, from and after the Union, the Coyn shall be of the same Standart and Value throughout the United Kingdom, as now in England, and a Mint shall be continued in

Scotland under the same Rules as the Mint in *England*; And the present Officers of the Mint continued, subject to such Regulations and Alterations as Her Majesty, Her Heirs or Successors, or the Parliament of *Great-Britain* shall think fit. XVII. That, from and after the Union, the same Weights and Measures shall be used throughout the United Kingdom, as are now Established in *England*, and Standarts of Weights and Measures shall be kept by those Burrows in *Scotland*, to whom the keeping the Standarts of Weights and Measures, now in Use there, does of special Right belong; All which Standarts shall be sent down to such respective Burrows, from the Standarts kept in the Exchequer at *Westminster*, subject nevertheless to such Regulations as the Parliament of *Great-Britain* shall think fit. XVIII. That the Laws concerning Regulation of Trade, Customs, and such Excises, to which *Scotland* is, by virtue of this Treaty, to be lyable, be the same in *Scotland*, from and after the Union, as in *England*, and that all other Laws, in use within the Kingdom of *Scotland*, do, after the Union, and notwithstanding thereof, remain in the same Force as before (except such as are contrary to, or inconsistent with this Treaty) but alterable by the Parliament of *Great-Britain*, With this Difference betwixt the Laws concerning publick Right, Policy and Civil Government, and those which concern private Right, That the Laws which concern publick Right, Policy and Civil Government may be made the same throughout the whole United Kingdom, but that no Alteration be made in Laws which concern private Right, except for evident Utility of the Subjects within *Scotland*. XIX. That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations, for the better Administration of Justice, as shall be made by the Parliament of *Great-Britain*; And that hereafter, none shall be Named by Her Majesty, or Her Royal Successors, to be Ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or Principal Clerks of Session, for the space of Five Years, or as Writers to the Signet, for the space of Ten Years, With this Provision, That no Writers to the Signet be capable to be admitted a Lord of the Session, unless he undergo a private and publick Tryal on the Civil Law, before the Faculty of Advocates, and be found by them Qualified for the said Office Two Years before he be Named to be a Lord of the Session, yet so as the Qualifications made or to be made, for Capacitating Persons to be Named Ordinary Lords of Session, may be altered by the Parliament of *Great-Britain*. And that the Court of Justiciary do also, after the Union, and notwithstanding thereof, Remain, in all time coming, within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations, as shall be made by the Parliament of *Great-Britain*, and without prejudice of other Rights of Justiciary: And that all Admiralty Jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty of *Great-Britain* for the time being; And that the Court of Admiralty, now Established in *Scotland*, be continued; And that all Reviews, Reductions or Suspensions of the Sentences in Maritime Cases, competent to the Jurisdiction of that Court, remain in the same manner after the Union as now in *Scotland*, until the Parliament of *Great-Britain* shall make such Regulations and Alterations, as shall be judged expedient for the whole United Kingdom; so as there be alwise continued in *Scotland* a Court of Admiralty, such as in *England*, for Determination of all Maritime Cases relating to private Rights in *Scotland*, competent to the Jurisdiction of the Admiralty Court, subject nevertheless to such Regulations and Alterations,

as shall be thought proper to be made by the Parliament of *Great-Britain*; And that the Heretable Rights of Admiralty, and Vice-Admiralties in *Scotland*, be reserved to the respective Proprietors, as Rights of Property, subject nevertheless, as to the manner of Exercising such Heretable Rights, to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*: And that all other Courts, now in Being within the Kingdom of *Scotland*, do remain, but subject to Alterations by the Parliament of *Great-Britain*: And that all Inferior Courts within the said Limits, do remain Subordinate, as they are now, to the Supreme Courts of Justice within the same, in all time coming; And that no Causes in *Scotland* be Cognoscible by the Court of Chancery, Queens-Bench, Common Pleas, or any other Court in *Westminster-hall*; And that the said Courts, or any other of the like Nature, after the Union, shall have no Power to Cognosce, Review or Alter the Acts, or Sentences of the Judicatures within *Scotland*, or stop the Execution of the same; And that there be a Court of Exchequer in *Scotland*, after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases, as the Court of Exchequer has in *England*; And that the said Court of Exchequer in *Scotland* have Power of passing Signatures, Gifts, Tutories, and in other things, as the Court of Exchequer at present in *Scotland* hath; And that the Court of Exchequer that now is in *Scotland* do remain, until a new Court of Exchequer be settled by the Parliament of *Great-Britain* in *Scotland* after the Union: And that, after the Union, the Queens Majesty, and Her Royal Successors, may continue a Privy Council in *Scotland*, for preserving of publick Peace and Order, until the Parliament of *Great-Britain* shall think fit to Alter it, or Establish any other effectual Method for that End. XX. That all Heretable Offices, Superiorities, Heretable Jurisdictions, Offices for Life, and Jurisdictions for Life, be reserved to the Owners thereof, as Rights of Property, in the same manner, as they are now enjoyed by the Laws of *Scotland*, notwithstanding of this Treaty. XXI. That the Rights and Privileges of the Royal Burrows in *Scotland*, as they now are, do remain intire after the Union, and notwithstanding thereof. XXII. That, by virtue of this Treaty, of the Peers of *Scotland*, at the time of the Union, Sixteen shall be the Number to Sit and Vote in the House of Lords, and Fourty Five the Number of the Representatives of *Scotland*, in the House of Commons of the Parliament of *Great-Britain*; And that, when Her Majesty, Her Heirs or Successors, shall Declare Her or Their Pleasure, for Holding the First, or any subsequent Parliament of *Great-Britain*, until the Parliament of *Great-Britain* shall make further Provision therein, a Write do Issue under the Great-Seal of the United Kingdom, directed to the Privy Council of *Scotland*, Commanding them to cause Sixteen Peers, who are to Sit in the House of Lords, to be Summoned to Parliament, and Fourty Five Members, to be Elected, to Sit in the House of Commons of the Parliament of *Great-Britain*, according to the Agreement in this Treaty, in such manner as, by a subsequent Act of this present Session of the Parliament of *Scotland*, shall be settled; Which Act is hereby Declared to be as valid, as if it were a part of, and Ingrossed in this Treaty; And that the Names of the Persons so Summoned and Elected, shall be Returned by the Privy Council of *Scotland*, into the Court from whence the said Write did Issue; And that, if Her Majesty, on or before the First Day of *May* next, on which Day the Union is to take Place, shall Declare under the Great-Seal of *England*, that it is Expedient, That the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the First Parliament of *Great-Britain*, for and on the part of *England*, Then

the said Lords of Parliament of *England*, and Commons of the present Parliament of *England*, shall be the Members of the respective Houses of the First Parliament of *Great-Britain*, for and on the part of *England*: And Her Majesty may, by Her Royal Proclamation under the Great-Seal of *Great-Britain*, Appoint the said First Parliament of *Great-Britain*, to meet at such Time and Place as Her Majesty shall think fit, Which Time shall not be less than Fifty Days after the Date of such Proclamation; And the Time and Place of the Meeting of such Parliament being so appointed, a Write shall be immediately Issued under the Great-Seal of *Great-Britain*, directed to the Privy Council of *Scotland*, for the Summoning the Sixteen Peers, and for Electing Forty Five Members, by whom *Scotland* is to be Represented in the Parliament of *Great-Britain*; And the Lords of Parliament of *England*, and the Sixteen Peers of *Scotland*, such Sixteen Peers being Summoned and Returned in the same manner agreed in this Treaty; And the Members of the House of Commons of the said Parliament of *England*, and the Forty Five Members for *Scotland*, such Forty Five Members being Elect-ed and Returned in the manner agreed in this Treaty, shall Assemble and Meet respectively in their respective Houses of the Parliament of *Great-Britain*, at such Time and Place as shall be so Appointed by Her Majesty, and shall be the Two Houses of the First Parliament of *Great-Britain*: And that Parliament may continue for such Time only, as the present Parliament of *England* might have continued, if the Union of the Two Kingdoms had not been made, unless sooner Dissolved by Her Majesty. And that every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliament of *Great-Britain*, in the First and all Succeeding Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherways Direct, shall take the respective Oaths appointed to be taken, in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in *England*, in the First Year of the Reign of the late King *William* and Queen *Mary*, Intituled, *An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and Appointing other Oaths*; And Make, Subscribe and audibly Repeat the Declaration mentioned in an Act of Parliament made in *England*, in the Thirtieth Year of the Reign of King *Charles* the Second, Intituled, *An Act for the more effectual preserving the Kings Person and Government, by disabling Papists from sitting in either Houses of Parliament*; And shall Take and Subscribe the Oath mentioned in an Act of Parliament made in *England*, in the First Year of Her Majesties Reign, Intituled, *An Act to Declare the Alterations in the Oath appointed to be taken by the Act*, Intituled, *An Act for the further Security of His Majesties Person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, And for Declaring the Association to be determined*: At such time, and in such manner, as the Members of both Houses of Parliament of *England* are, by the said respective Acts, directed to Take, Make and Subscribe the same, upon the Penalties and Disabilities contained in the said respective Acts contained. And it is declared and agreed, That these Words, *This Realm*, *The Crown of this Realm*, and *the Queen of this Realm*, mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of *England*, shall be understood of the Crown and Realm of *Great-Britain*; And that, in that Sense, The said Oaths and Declaration be taken and subscribed by the Members of both Houses of the Parliament of *Great-Britain*. XXIII. That the foresaid Sixteen Peers of *Scotland*, mentioned in the last preceeding Article, to sit in the House of Lords of the Parliament of *Great-Britain*, shall have all Privileges of Parliament which the Peers of *England* now have, and which they, or any

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Peers

Peers of *Great-Britain* shall have after the Union, and particularly the Right of sitting upon the Tryals of Peers: And in case of the Tryal of any Peer in time of Adjournment or Prorogation of Parliament, the said Sixteen Peers shall be Summoned in the same manner, and have the same Powers and Privileges at such Tryal, as any other Peers of *Great-Britain*. And that in case any Tryals of Peers shall hereafter happen, when there is no Parliament in Being, the Sixteen Peers of *Scotland*, who sate in the last preceeding Parliament, shall be Summoned in the same manner, and have the same Powers and Privileges at such Tryals, as any other Peers of *Great-Britain*. And that all Peers of *Scotland*, and their Successors to their Honours and Dignities, shall, from and after the Union, be Peers of *Great-Britain*, and have Rank and Precedency next and immediately after the Peers of the like Orders and Degrees in *England*, at the Time of the Union, and before all Peers of *Great-Britain* of the like Orders and Degrees, who may be Created after the Union, and shall be Tryed as Peers of *Great-Britain*, and shall enjoy all Privileges of Peers as fully as the Peers of *England* do now, or as they, or any other Peers of *Great-Britain* may hereafter Enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the Right of sitting upon the Tryals of Peers. XXIV. That, from and after the Union, there be one Great-Seal for the United Kingdom of *Great-Britain*, which shall be different from the Great-Seal now used in either Kingdom; And that the Quartering the Arms, and the Rank and Precedency of the Lyon King of Arms of the Kingdom of *Scotland*, as may best sute the Union, be left to Her Majesty; And that, in the mean time, the Great-Seal of *England* be used as the Great-Seal of the United Kingdom, and that the Great-Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of *Great-Britain*, and for Sealing all Treaties with Foreign Princes and States, and all publick Acts, Instruments and Orders of State which concern the whole United Kingdom, and in all other Matters relating to *England*, as the Great-Seal of *England* is now used; And that a Seal in *Scotland*, after the Union, be always kept, and made use of in all things relating to private Rights or Grants, which have usually passed the Great-Seal of *Scotland*, and which only concern Offices, Grants, Commissions and private Rights within that Kingdom; And that, until such Seal shall be appointed by Her Majesty, the present Great-Seal of *Scotland* shall be used for such purposes; And that the Privy-Seal, Signet, Casset, Signet of the Justiciary Court, Quarter-Seal, and Seals of Courts now used in *Scotland*, be continued; but that the said Seals be altered, and adapted to the State of the Union, as Her Majesty shall think fit: And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations, as the Parliament of *Great-Britain* shall hereafter make: And that the Crown, Scepter and Sword of State, the Records of Parliament, and all other Records, Rolls and Registers whatsoever, both Publick and Private, General and Particular, and Warrants thereof, continue to be kept as they are within that part of the United Kingdom, now called *Scotland*, and that they shall so remain, in all time coming, notwithstanding of the Union. XXV. That all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any one of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective Parliaments of the said Kingdoms.

Follows the Tenor of the foresaid Act for Securing the Protestant Religion and Presbyterian Church Government.

OUR SOVEREIGN LADY and the Estates of Parliament Considering,
That, by the late Act of Parliament for a Treaty with *England*, for an
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Union of both Kingdoms, It is provided, That the Commissioners for that Treaty, should not Treat of or concerning any Alteration of the Worship, Discipline and Government of the Church of this Kingdom, as now by Law Established: Which Treaty being now Reported to the Parliament, And it being Reasonable and Necessary, that the true Protestant Religion, as presently professed within this Kingdom, with the Worship, Discipline and Government of this Church, should be effectually and unalterably secured; *Therefore* Her Majesty, with Advice and Consent of the said Estates of Parliament, Doth hereby Establish and Confirm the said True Protestant Religion, and the Worship, Discipline and Government of this Church, to continue without any Alteration to the People of this Land in all succeeding Generations; And more especially, Her Majesty, with Advice and Consent foresaid, Ratifies, Approves, and for ever Confirms the Fifth Act of the First Parliament of King *William* and Queen *Mary*, Intituled, *At Ratifying the Confession of Faith, and Settling Presbyterian Church Government*, with the haill other Acts of Parliament relating thereto, in prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right, bearing Date the Eleventh of *April* One Thousand Six Hundred and Eighty Nine; And Her Majesty, with Advice and Consent foresaid, expressly provides and declares, That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline, That is to say, The Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods and General Assemblies, all Established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue Unalterable; And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of *Scotland*. *And further*, for the greater Security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of this Church as above Established, Her Majesty, with Advice and Consent foresaid, *Statutes and Ordains*, That the Universities and Colleges of *St. Andrews*, *Glasgow*, *Aberdeen* and *Edinburgb*, as now Established by Law, shall continue within this Kingdom for ever. And that, in all time coming, no Professors, Principals, Regents, Masters, or others bearing Office in any University, College or School within this Kingdom be capable, or be admitted or allowed to continue in the Exercise of their said Functions, but such as shall owne and acknowledge the Civil Government in manner prescribed, or to be prescribed by the Acts of Parliament. As also, That, before, or at their Admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith; And that they will practise & conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour, directly or indirectly, the Prejudice or Subversion of the same; And that before the respective Presbyteries of their Bounds, By whatsoever Gift, Presentation or Provision they may be thereto provided. *And further*, Her Majesty, with Advice foresaid, expressly Declares and Statutes, That none of the Subjects of this Kingdom shall be lyable to, but all and every one of them for ever free of any Oath, Test or Subscription within this Kingdom, contrary to, or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government, Worship and Discipline as above Established: And that the same, within the Bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. *And lastly*, That, after the Decease of Her present Majesty, (whom GOD long preserve) the Sovereign succeeding to Her in the Royal Government of the Kingdom of *Great-Britain*, shall, in all time coming, at His or Her Accession to the

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Crown,

Crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion, with the Government, Worship, Discipline, Right, and Privileges of this Church, as above Established by the Laws of this Kingdom, in prosecution of the Claim of Right. And it is hereby *Statute and Ordained*, That this Act of Parliament, with the Establishment therein-contained, shall be held and observed, in all time coming, as a Fundamental and Essential Condition of any Treaty or Union to be concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto, in any sort for ever. As also, That this Act of Parliament, and Settlement therein-contained, shall be insert and repeated in any Act of Parliament that shall pass, for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms; And that the same shall be therein expressly declared, to be a Fundamental and Essential Condition of the said Treaty or Union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above-written, Her Majesty, with Advice and Consent foresaid, *Statutes, Enacts and Ordains* to be, and continue, in all time coming, the sure and perpetual Foundation of an compleat and intire UNION of the two Kingdoms of Scotland and England, Under this express Condition and Provision, That the Approbation and Ratification of the foresaid Articles and Act shall be no ways binding on this Kingdom, until the said Articles and Act be Ratified, Approven and Confirmed by Her Majesty, with and by the Authority of the Parliament of England, as they are now agreed to, approven and confirmed by Her Majesty, with and by the Authority of the Parliament of Scotland. *Declaring nevertheless*, That the Parliament of England may provide for the Security of the Church of England as they think expedient, to take place within the Bounds of the said Kingdom of England, and not derogating from the Security above provided, for Establishing of the Church of Scotland within the Bounds of this Kingdom. As also, the said Parliament of England may extend the Additions, and other Provisions contained in the Articles of Union, as above insert in favours of the Subjects of Scotland, To, and in favours of the Subjects of England, which shall not suspend or derogate from the Force and Effect of this present Ratification, but shall be understood as herein included, without the necessity of any new Ratification in the Parliament of Scotland. And lastly, Her Majesty Enacts and Declares, That all Laws and Statutes in this Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles as above-mentioned, shall, from and after the Union, cease and become void.

Follows the Exemplification under the Great-Seal of England, of the Act of the Parliament of that Kingdom, Intituled, An Act for an Union of the two Kingdoms of ENGLAND and SCOTLAND, as the same was transmitted to the Parliament of Scotland, and Ordered to be Recorded.

A N N A D E I Gratia Anglie, Scocie, Francie, & Hibernie Regina, Fidei Defensor, &c. Omnibus ad quos presentes Litere pervenerint Salutem; *Inspeximus* quoddam Breve nostrum de Certiorande Cur: Cancellar: nostre nuper emanant: Dilecto & fideli nostro Matheo Johnson Armigero Clerico Parliamentorum nostrorum direct: una cum quodam Retorno sive Indorsamento in Dorso ejusdem Brevis indorsato & inserto in dictam Cancellar: nostram retortum et in filaciis ibi: de Recordo resident:

den: in hec verba *ANNA DEI* Gra: *Angl: Scoc: Franc: & Hibernie:* Regina Fidei Defensor &c. Dilco: sibi *Matheo Johnson* Ar: Clico: Parliamentor: Suor: saltm: Volentes certis de Causis Certiorari super tenorem cujusdem Actus in instanti Parlamento nostro apud *Westm:* fact: & ordinat: intitulat: *An Act for an Union of the two Kingdoms of England and Scotland* Vobis Mandamus quod tenorem Actus predict: cum omnibus ill: tangentibus Nobis in Cancellar: nram: sub Sigillo vro: distincte & aperte sine dilone: mittatis & hoc bre: Teste meipa: apud *Westm:* sexto die *Martii* anno Rni: nri: quinto *Wrighte* Executio hujus Bris: patet in quadam Scheda huic Bri: annex: prout interius mihi precipitur *Mathe: Johnson* Cler: Parliamentor. *Inspeximus* etiam Schedulam premenconatam continentem tenorem Actus predict: Eidemque Brevi annex: Manu & Sigillo *Mathei Johnson* Signat: & Sigillat: in Cancellar: nram predictam filit: retornat: & in filaciis ibm: de Recordo quoq; residen: in hec verba *In Parliament:* Inchoat: apud *Westminster:* decimo quarto die *Junii* Anno Domini Millesimo Septingentesimo Quinto Annoque Regni Serenissime Dne: nre: *ANNE DEI* Grat: *Angl: Scoc: Franc: & Hibernie:* Regin: Fidei Defensor &c. Quarto Comuni: omniu: Dnor: tam Spialiū: quam Temporal: & Comunitis: &c. Consensu & Regie Majestatis Assensu (inter alia) Sancitum Inactitatum & Stabilitum fuit hoc sequens Statutum, viz. *An Act for an Union of the two Kingdoms of England and Scotland*, cujus quidem Tenor sequitur in his verhis; **MOST GRACIOUS SOVEREIGN**, *Whereas*, Articles of Union were agreed on the Twenty Second Day of *July*, in the Fifth Year of your Majesties Reign, by the Commissioners Nominated on Behalf of the Kingdom of *England*, under Your Majesties Great-Seal of *England*, bearing Date at *Westminster* the Tenth Day of *April* then last past, in pursuance of an Act of Parliament made in *England*, in the Third Year of Your Majesties Reign; and the Commissioners Nominated on the Behalf of the Kingdom of *Scotland*, under Your Majesties Great-Seal of *Scotland*, bearing Date the Twenty Seventh Day of *February*, in the Fourth Year of Your Majesties Reign, in pursuance of the Fourth Act of the Third Session of the present Parliament of *Scotland*, to Treat of and concerning an Union of the said Kingdoms; *And whereas* an Act hath passed in the Parliament of *Scotland*, at *Edinburgh* the Sixteenth Day of *January*, in the Fifth Year of Your Majesties Reign, wherein 'tis mentioned, That the Estates of Parliament Considering the said Articles of Union of the two Kingdoms, had agreed to and approved of the said Articles of Union, with some Additions and Explanations; And that Your Majesty, with Advice and Consent of the Estates of Parliament, for Establishing the Protestant Religion, and Presbyterian Church Government within the Kingdom of *Scotland*, had passed in the same Session of Parliament, an Act intituled, *Act for securing of the Protestant Religion and Presbyterian Church Government*, which, by the Tenor thereof, was appointed to be inserted in any Act Ratifying the Treaty, and expressly declared to be a Fundamental and Essential Condition of the said Treaty or Union in all times coming, The Tenor of which Articles, as Ratified and Approved of, with Additions and Explanations, by the said Act of Parliament of *Scotland*, follows,

ARTICLE, 1. That the Two Kingdoms of *England* and *Scotland* shall, upon the First Day of *May*, which shall be in the Year One Thousand Seven Hundred and Seven, and for ever after, be United into one Kingdom by the Name of **GREAT-BRITAIN**, And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint, and the Crosses of St. *George* and St. *Andrew* be conjoyned in such manner as Her Majesty shall think fit, and used in all Flaggs, Banners, Standards and Ensigns, both at Sea and Land.

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Article 2. That the Succession to the Monarchy of the United Kingdom of Great-Britain, and of the Dominions thereto belonging, after Her most Sacred Majesty, and in Default of Issue of Her Majesty, be, remain and continue to the most Excellent Princess Sophia Electress and Dutches Dowager of Hannover, and the Heirs of Her Body, being Protestants, upon whom the Crown of England is settled by an Act of Parliament made in England, in the Twelfth Year of the Reign of His late Majesty King William the Third, Intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject: And that all Papists, and Persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess or enjoy the Imperial Crown of Great-Britain, and the Dominions thereunto belonging, or any part thereof, and in every such case, the Crown and Government shall, from time to time, descend to, and be enjoyed by such Person, being a Protestant, as should have inherited and enjoyed the same, in case such Papist, or Person marrying a Papist, was naturally dead, according to Provision for the Descent of the Crown of England, made by another Act of Parliament in England, in the First Year of the Reign of Their late Majesties King William and Queen Mary, Intituled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

Article 3. That the United Kingdom of Great-Britain be Represented by one and the same Parliament, to be stiled the Parliament of Great-Britain.

Article 4. That all the Subjects of the United Kingdom of Great-Britain, shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging, and that there be a Communication of all other Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

Article 5. That all Ships or Vessels belonging to Her Majesties Subjects of Scotland, at the Time of Ratifying the Treaty of Union of the Two Kingdoms in the Parliament of Scotland, though Foreign built, be deem'd and pass as Ships of the Built of Great-Britain: The Owner, or where there are more Owners, one or more of the Owners, within Twelve Months after the First of May next, making Oath, That, at the time of Ratifying the Treaty of Union in the Parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other Subject or Subjects of Scotland, to be particularly Named, with the place of their respective Abodes, and that the same doth then, at the time of the said Deposition, wholly belong to him or them, and that no Foreigner, directly or indirectly, hath any Share, Part or Interest therein; Which Oath shall be made before the Chief Officer, or Officers of the Customs, in the Port next to the Abode of the said Owner or Owners; And the said Officer, or Officers, shall be Impowered to Administer the said Oath: And the Oath being so Administred, shall be Attested by the Officer, or Officers, who Administred the same, and being Registered by the said Officer or Officers, shall be delivered to the Master of the Ship for Security of her Navigation, and a Duplicate thereof shall be transmitted by the said Officer or Officers, to the Chief Officer or Officers of the Customs in the Port of Edinburgh, to be there entered in a Register, and from thence to be sent to the Port of London, to be there entered in the general Register of all Trading Ships belonging to Great-Britain.

Article 6. That all parts of the United Kingdom for ever, from and after the Union, shall have the same Allowances, Encouragements and Drawbacks, and be under the same Prohibitions, Restrictions and Regulations of

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Trade,

Trade, and lyable to the same Customs and Duties on Import and Export; And that the Allowances, Encouragements and Drawbacks, Prohibitions, Restrictions and Regulations of Trade, and the Customs and Duties on Import and Export settled in *England*, when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom, Excepting and Reserving the Duties upon Export and Import of such particular Commodities, from which any Persons, the Subjects of either Kingdom, are specially Liberated and Exempted by their private Rights, which, after the Union, are to remain safe and intire to them, in all respects, as before the same; And that, from and after the Union, no *Scots* Cattle carried into *England*, shall be lyable to any other Duties, either on the publick or private Accounts, than those Duties, to which the Cattle of *England* are, or shall be lyable within the said Kingdom. And seing, by the Laws of *England*, there are Rewards granted upon the Exportation of certain kinds of Grain, wherein Oats Grinded or Ungrinded are not expresse, That, from and after the Union, when Oats shall be sold at Fifteen Shillings *Sterling* per Quarter, or under, there shall be payed Two Shillings and Six Pence *Sterling* for every Quarter of the Oat Meal Exported in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grain, and that the Bear of *Scotland* have the same Rewards as Barley. And in respect the Importations of Victual into *Scotland*, from any place beyond Sea, would prove a Discouragement to Tillage, Therefore, That the Prohibition, as now in Force by the Law of *Scotland*, against Importation of Victuals from *Ireland*, or any other place beyond Sea into *Scotland*, do, after the Union, remain in the same Force as now it is, until more proper and effectual ways be provided by the Parliament of *Great-Britain*, for Discouraging the Importation of the said Victuals from beyond Sea.

Article 7. That all parts of the United Kingdom be for ever, from and after the Union, lyable to the same Excises upon all Exciseable Liquors, excepting only, that the Thirty Four Gallons *English* Barrel of Beer or Ale, amounting to Twelve Gallons *Scots* present Measure, Sold in *Scotland* by the Brewer at Nine Shillings Six Pence *Sterling*, excluding all Duties, and Retailled, including Duties and the Retailers Profit, at Two Pence the *Scots* Pint, or Eight Part of the *Scots* Gallon, be not, after the Union, lyable, on Account of the present Excise upon Exciseable Liquors in *England*, to any higher Imposition, than Two Shillings *Sterling* upon the foresaid Thirty Four Gallons *English* Barrel, being Twelve Gallons the present *Scots* Measure, and that the Excise settled in *England* on all other Liquors, when the Union commences, take place throughout the whole United Kingdom.

Article 8. That from and after the Union, all Foreign Salt, which shall be Imported into *Scotland*, shall be charged, at the Importation there, with the same Duties, as the like Salt is now charged with, being Imported into *England*, and to be levied and secured in the same manner. But in regard the Duties of great Quantities of Foreign Salt Imported, may be very heavy upon the Merchants Importers, That therefore all Foreign Salt Imported into *Scotland*, shall be Cellared and Locked up under the Custody of the Merchants Importers, and the Officers employed for levying the Duties upon Salt; And that the Merchant may have what Quantity thereof his Occasions may require, not under a Weigh or Forty Bushels at a time, giving Security for the Duty of what Quantity he receives, payable in Six Months; But *Scotland* shall, for the space of Seven Years from the said Union, be Exempted from paying in *Scotland* for Salt made there; the Duty or Excise now payable for Salt made in *England*: But, from the Expiration of the said Seven Years, shall be sub-

ject and lyable to the same Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England*, to be levied and secured in the same manner, and with proportionable Drawbacks and Allowances as in *England*; With this Exception, That *Scotland* shall, after the said Seven Years, remain Exempted from the Duty of Two Shillings and Four Pence a Bushel on Home Salt, Imposed by an Act made in *England* in the Ninth and Tenth of King *William* the Third of *England*. And if the Parliament of *Great-Britain* shall, at or before the Expiring of the said Seven Years, substitute any other Fund in place of the said Two Shillings Four Pence of Excise on the Bushel of Home Salt, *Scotland* shall, after the said Seven Years, bear a Proportion of the said Fund, and have an Equivalent in the Terms of this Treaty: And that, during the said Seven Years, there shall be payed in *England*, for all Salt made in *Scotland*, and Imported from thence into *England*, the same Duties upon the Importation, as shall be payable for Salt made in *England*, to be levied and secured in the same manner, as the Duties on Foreign Salt are to be levied and secured in *England*. And that, after the said Seven Years, as long as the said Duty of Two Shillings Four Pence a Bushel upon Salt is continued in *England*, the said Two Shillings and Four Pence a Bushel shall be payable for all Salt made in *Scotland*, and Imported into *England*, to be levied and secured in the same manner; And that, during the Continuance of the Duty of Two Shillings Four Pence a Bushel upon Salt made in *England*, no Salt whatsoever be brought from *Scotland* to *England* by Land in any manner, under the Penalty of Forfeiting the Salt, and the Cattle and Carriages made Use of in bringing the same, and paying Twenty Shillings for every Bushel of such Salt, and proportionably for a greater or lesser Quantity; for which the Carrier, as well as the Owner, shall be lyable joynly and severally, and the Persons bringing, or carrying the same, to be Imprisoned by any one Justice of the Peace by the space of Six Months without Bail, and until the Penalty be payed. And for Establishing an Equality in Trade, That all Fleth Exported from *Scotland* to *England*, and put on Board in *Scotland*, to be Exported to parts beyond the Seas, and Provision for Ships in *Scotland*, and for Foreign Voyages, may be Salted with Scots Salt, paying the same Duty for what Salt is so Employed, as the like Quantity of such Salt pays in *England*, and under the same Penalties, Forfeitures and Provisions, for preventing of Frauds, as are mentioned in the Laws of *England*: And that, from and after the Union, the Laws and Acts of Parliament in *Scotland*, for Pineing, Curing and Packing of Herrings, White Fish and Salmond for Exportation with Foreign Salt only, without any Mixture of *British* or *Irish* Salt, and for preventing of Frauds in Curing and Packing of Fish, be continued in Force in *Scotland*, subject to such Alterations as shall be made by the Parliament of *Great-Britain*; And that all Fish Exported from *Scotland* to Parts beyond the Seas, which shall be Cured with Foreign Salt only, and without Mixture of *British* or *Irish* Salt, shall have the same Eases, Premiums and Draw-backs, as are or shall be allowed to such Persons as Export the like Fish from *England*: And that, for Encouragement of the Herring Fishing, there shall be allowed and payed to the Subjects Inhabitants of *Great-Britain*, during the present Allowances for other Fish, Ten Shillings Five Pence Sterling for every Barrel of White Herrings which shall be Exported from *Scotland*; And that there shall be allowed Five Shillings Sterling for every Barrel of Beef or Pork Salted with Foreign Salt, without Mixture of *British* or *Irish* Salt, and Exported for Sale from *Scotland* to parts beyond Sea, alterable by the Parliament of *Great-Britain*. And if any Matters of Fraud relating to the said Duties on Salt shall hereafter appear, which are not sufficiently provid-

ed against by this Article, the same shall be subject to such further Provisions, as shall be thought fit by the Parliament of *Great-Britain*.

Article 9. That whensoever the Sum of One Million Nine Hundred Ninety Seven Thousand, Seven Hundred and Sixty Three Pounds, Eight Shillings and Four Pence Half Penny shall be Enacted by the Parliament of *Great-Britain*, to be raised in that Part of the United Kingdom, now called *England*, on Land, and other Things usually Charged in Acts of Parliament there, for granting an Aid to the Crown by a Land Tax, That part of the United Kingdom, now called *Scotland*, shall be Charged, by the same Act, with a further Sum of Forty Eight Thousand Pounds free of all Charges, as the Quota of *Scotland* to such Tax, and so proportionably for any greater or lesser Sum raised in *England* by any Tax on Land, and other Things usually Charged, together with the Land; And that such Quota for *Scotland*, in the Cases aforesaid, be Raised and Collected in the same manner as the Cess now is in *Scotland*; but subject to such Regulations in the manner of Collecting, as shall be made by the Parliament of *Great-Britain*.

Article 10. That during the Continuance* of the respective Duties on Stamp Paper, Vellum and Parchment, by the several Acts now in Force in *England*, *Scotland* shall not be Charged with the same respective Duties.

Article 11. That during the Continuance of the Duties payable in *England* on Windows and Lights, which Determine on the First Day of August, One Thousand, Seven Hundred and Ten, *Scotland* shall not be Charged with the same Duties.

Article 12. That during the Continuance of the Duties payable in *England* on Coals, Culm and Cynders, which determine the Thirtieth Day of September One Thousand Seven Hundred and Ten, *Scotland* shall not be Charged therewith, for Coals, Culm and Cynders consumed there, but shall be Charged with the same Duties as in *England* for all Coal, Culm and Cynders, not consumed in *Scotland*.

Article 13. That during the Continuance of the Duty payable in *England* upon Malt, which determines the Twenty Fourth Day of June, One Thousand Seven Hundred and Seven, *Scotland* shall not be Charged with that Duty.

Article 14. That the Kingdom of *Scotland* be not Charged with any other Duties laid on by the Parliament of *England* before the Union, except those consented to in this Treaty, in regard it is agreed, that all necessary Provision shall be made by the Parliament of *Scotland* for the Publick Charge and Service of that Kingdom, for the Year One Thousand Seven Hundred and Seven; *Provided*, nevertheless, That if the Parliament of *England* shall think fit to lay any further Impositions, by way of Customs, or such Excises, with which, by virtue of this Treaty, *Scotland* is to be Charged equally with *England*, in such Case, *Scotland* shall be lyable to the same Customs and Excises, and have an Equivalent to be settled by the Parliament of *Great-Britain*; With this further Provision, That any Malt to be made and consumed in that part of the United Kingdom now called *Scotland*, shall not be Charged with any Imposition on Malt during this present War; And seeing it cannot be supposed, that the Parliament of *Great-Britain* will ever lay any sort of Burdens upon the United Kingdom, but what they shall find of necessity at that time for the Preservation and Good of the whole, and with due Regard to the Circumstances and Abilities of every part of the United Kingdom; Therefore it is agreed, That there be no further Exemption insisted upon for any part of the United Kingdom, but that the Consideration of any Exemptions, beyond what are already agreed on in this Treaty, shall be left to the Determination of the Parliament of *Great-Britain*.

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Article 15. That whereas, by the Terms of this Treaty, the Subjects of *Scotland*, for preserving an Equality of Trade throughout the United Kingdom, will be lyable to several Customs and Excises now payable in *England*, which will be applicable towards payment of the Debts of *England*, contracted before the Union; It is agreed, That *Scotland* shall have an Equivalent for what the Subjects thereof shall be so Charged towards payment of the said Debts of *England* in all particulars whatsoever, in manner following, *videlicet*, That before the Union of the said Kingdoms, The Sum of Three Hundred Ninety Eight Thousand and Eighty Five Pounds Ten Shillings be granted to Her Majesty by the Parliament of *England* for the Uses after-mentioned, being the Equivalent to be answered to *Scotland*, for such parts of the said Customs and Excises upon all Exciseable Liquors, with which that Kingdom is to be Charged upon the Union, as will be applicable to the payment of the said Debts of *England*, according to the Proportions which the present Customs in *Scotland*, being Thirty Thousand Pounds *per Annum*, do bear to the Customs in *England*, computed at One Million Three Hundred Fourty One Thousand Five Hundred and Fifty Nine Pounds *per Annum*, and which the present Excises on Exciseable Liquors in *Scotland*, being Thirty Three Thousand and Five Hundred Pounds *per Annum*, do bear to the Excises on Exciseable Liquors in *England*, computed at Nine Hundred Fourty Seven Thousand Six Hundred and Two Pounds *per Annum*, Which Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, shall be due and payable from the Time of the Union: And in regard, that, after the Union, *Scotland* becoming lyable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Exciseable Liquors as in *England*, as well upon that Account, as upon the Account of the Increase of Trade and People, (which will be the Happy Consequence of the Union) the said Revenues will much improve, beyond the before-mentioned Annual Values thereof, of which no present Estimate can be made; yet nevertheless, for the Reasons aforesaid, there ought to be a proportionable Equivalent answered to *Scotland*, It is agreed, That, after the Union, there shall be an Account kept of the said Duties arising in *Scotland*, to the end it may appear, what ought to be answered to *Scotland*, as an Equivalent, for such Proportion of the said Increase, as shall be applicable to the payment of the Debts of *England*; And for the further and more effectual answering the several Ends hereafter-mentioned, It is agreed, That, from and after the Union, the whole Increase of the Revenues of Customs and Duties on Import and Export, and Excises upon Exciseable Liquors in *Scotland*, over and above the Annual Produce of the said respective Duties as above stated, shall go and be applyed for the Term of Seven Years, to the Uses hereafter-mentioned; And that upon the said Account, there shall be answered to *Scotland* Annually, from the End of Seven Years after the Union, an Equivalent, in Proportion to such part of the said Increase, as shall be applicable to the Debts of *England*; And generally, That an Equivalent shall be answered to *Scotland*, for such parts of the *English* Debts, as *Scotland* may hereafter become lyable to pay, by Reason of the Union, other than such, for which Appropriations have been made by Parliament in *England*, of the Customs or other Duties on Export and Import, Excises on all Exciseable Liquors, in respect of which Debts, Equivalents are herein before provided; And as for the Uses, to which the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings to be granted as aforesaid, and all other Moneys which are to be answered or allowed to

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Scotland as aforesaid are to be applied; It is agreed, That in the first place, out of the aforesaid Sum, what Consideration shall be found necessary to be had for any Losses, which private Persons may sustain, by reducing the Coyn of Scotland to the Standart and Value of the Coyn of England, may be made good: In the next place, That the Capital Stock or Fund of the African and Indian Company of Scotland advanced, together with the Interest for the said Capital Stock, after the Rate of Five *per Centum per Annum*, from the respective times of the payment thereof, shall be payed; Upon payment of which Capital Stock and Interest, It is agreed the said Company be dissolved and cease; And also, That from the time of passing the Act of Parliament in England, for raising the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, the said Company shall neither Trade, nor grant Licence to Trade, *Providing*, That if the said Stock and Interest shall not be payed in Twelve Months after the Commencement of the Union, That then the said Company may, from thence forward, Trade, or give Licence to Trade, until the said whole Capital Stock and Interest shall be payed: And as to the Overplus of the said Sum of Three Hundred Ninety Eight Thousand Eighty Five Pounds Ten Shillings, after payment of what Considerations shall be had for Losses in repairing the Coyn, and paying the said Capital Stock and Interest; And also the whole Increase of the said Revenues of Customs, Duties and Excises above the present Value, which shall arise in Scotland, during the said Term of Seven Years, together with the Equivalent which shall become due upon the Improvement thereof in Scotland after the said Term; And also, as to all other Sums, which, according to the Agreements aforesaid, may become payable to Scotland by way of Equivalent, for what that Kingdom shall hereafter become lyable towards payment of the Debt of England; It is agreed, That the same be applied in manner following, *videlicet*, That all the Publick Debts of the Kingdom of Scotland, as shall be adjusted by this present Parliament, shall be payed; And that Two Thousand Pounds *per Annum*, for the space of Seven Years, shall be applied towards Encouraging and Promoting the Manufacture of coarse Wooll, within those Shires which produce the Wooll, and that the First Two Thousand Pounds *Sterling* be payed at *Martinmas* next, and so yearly at *Martinmas* during the space aforesaid; And afterwards, the same shall be wholly applied towards the Encouraging and Promoting the Fisheries, and such other Manufactures and Improvements in Scotland, as may most conduce to the general Good of the United Kingdom. And it is Agreed, That Her Majesty be Impowered to appoint Commissioners, who shall be accountable to the Parliament of Great-Britain, for disposing the said Sum of Three Hundred Ninety Eight Thousand and Eighty Five Pounds Ten Shillings, and all other Moneys which shall arise to Scotland upon the Agreements aforesaid, to the Purposes before-mentioned; Which Commissioners shall be Impowered to Call for, Receive and Dispose of the said Moneys in manner aforesaid, and to Inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent may arise; And that the Collectors and Managers of the said Revenues and Duties, be obliged to give to the said Commissioners subscribed authentick Abbreviates of the Produce of such Revenues and Duties arising in their respective Districts; And that the said Commissioners shall have their Office within the Limits of Scotland, and shall in such Office keep Books, containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of, from time to time, which may be Inspected by any of the Subjects who shall desire the same.

Article 16. That from and after the Union, the Coyn shall be of the same Standart and Value throughout the United Kingdom, as now in England

land, and a Mint shall be continued in *Scotland* under the same Rules as the Mint in *England*; And the present Officers of the Mint continued, subject to such Regulations and Alterations as Her Majesty, Her Heirs or Successors, or the Parliament of *Great-Britain* shall think fit.

Article 17. That from and after the Union, the same Weights and Measures shall be used throughout the United Kingdom, as are now Established in *England*, and Standarts of Weights and Measures shall be kept by those Burghs in *Scotland*, to whom the keeping the Standarts of Weights and Measures, now in Use there, does of special Right belong; All which Standarts shall be sent down to such respective Burghs, from the Standarts kept in the Exchequer at *Westminster*; subject nevertheless to such Regulations as the Parliament of *Great-Britain* shall think fit.

Article 18. That the Laws concerning Regulation of Trade, Customs, and such Excises, to which *Scotland* is, by virtue of this Treaty, to be lyable, be the same in *Scotland*, from and after the Union, as in *England*, and that all other Laws, in use within the Kingdom of *Scotland*, do, after the Union, and notwithstanding thereof, remain in the same Force as before (except such as are contrary to, or inconsistent with this Treaty) but alterable by the Parliament of *Great-Britain*, With this Difference betwixt the Laws concerning publick Right, Policy and Civil Government, and those which concern private Right, That the Laws which concern publick Right, Policy and Civil Government may be made the same throughout the whole United Kingdom, but that no Alteration be made in Laws which concern private Right, except for evident Utility of the Subject within *Scotland*.

Article 19. That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations, for the better Administration of Justice, as shall be made by the Parliament of *Great-Britain*; And that hereafter, none shall be Named by Her Majesty, or Her Royal Successors, to be Ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or Principal Clerks of Session, for the space of Five Years, or as Writers to the Signet, for the space of Ten Years, With this Provision, That no Writer to the Signet be capable to be admitted a Lord of the Session, unless he undergo private and publick Tryal on the Civil Law, before the Faculty of Advocates, and be found by them Qualified for the said Office, Two Years before he be Named to be a Lord of the Session, yet so as the Qualifications made or to be made, for Capacitating Persons to be Named Ordinary Lords of Session, may be altered by the Parliament of *Great-Britain*. And that the Court of Justiciary do also, after the Union, and notwithstanding thereof, Remain, in all time coming, within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations, as shall be made by the Parliament of *Great-Britain*, and without prejudice of other Rights of Justiciary: And that all Admiralty Jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty of *Great-Britain* for the time being; And that the Court of Admiralty, now Established in *Scotland*, be continued; And that all Reviews, Reductions or Suspensions of the Sentences in Maritime Cases, competent to the Jurisdiction of that Court, remain in the same manner after the Union as now in *Scotland*, until the Parliament of *Great-Britain* shall make such Regulations and Alterations, as shall be judged expedient for the whole United Kingdom; so as there be alwise continued in *Scotland* a Court of Admiralty, such as in *England*, for Determination of all Maritime Cases relating to private Rights in *Scotland*, competent to the Jurisdiction of the

Admiralty Court, subject nevertheless to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*; And that the Heretable Rights of Admiralty, and Vice-Admiralties in *Scotland*, be reserved to the respective Proprietors, as Rights of Property; subject nevertheless, as to the manner of Exercising such Heretable Rights, to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*: And that all other Courts, now in Being within the Kingdom of *Scotland*, do remain, but subject to Alterations by the Parliament of *Great-Britain*: And that all Inferior Courts within the said Limits, do remain Subordinate, as they are now, to the Supream Courts of Justice within the same, in all time coming; And that no Causes in *Scotland* be Cognoscible by the Courts of Chancery, Queens-Bench, Common Pleas, or any other Court in *Westminster-hall*; And that the said Courts, or any other of the like Nature, after the Union, shall have no Power to Cognosce, Review or Alter the Acts, or Sentences of the Judicatures within *Scotland*, or stop the Execution of the same; And that there be a Court of Exchequer in *Scotland*, after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases, as the Court of Exchequer has in *England*; And that the said Court of Exchequer in *Scotland* have Power of passing Signatures, Gifts, Tutories, and in other things, as the Court of Exchequer at present in *Scotland* hath; And that the Court of Exchequer that now is in *Scotland* do remain, until a new Court of Exchequer be settled by the Parliament of *Great-Britain* in *Scotland* after the Union: And that after the Union, the Queens Majesty, and Her Royal Successors, may continue a Privy Council in *Scotland*, for preserving of publick Peace and Order, until the Parliament of *Great-Britain* shall think fit to Alter it, or Establish any other effectual Method for that End.

Article 20. That all Heretable Offices, Superiorities, Heretable Jurisdctions, Offices for Life, and Jurisdctions for Life, be reserved to the Owners thereof, as Rights of Property, in the same manner, as they are now enjoyed by the Laws of *Scotland*, notwithstanding this Treaty.

Article 21. That the Rights and Privileges of the Royal Burghs in *Scotland*, as they now are, do remain intire after the Union, and notwithstanding thereof.

Article 22. That by virtue of this Treaty, of the Peers of *Scotland*, at the time of the Union, Sixteen shall be the Number to Sit and Vote in the House of Lords, and Fourty Five the Number of the Representatives of *Scotland*, in the House of Commons of the Parliament of *Great-Britain*; And that, when Her Majesty, Her Heirs or Successors, shall Declare Her or Their Pleasure, for Holding the First, or any subsequent Parliament of *Great-Britain*, until the Parliament of *Great-Britain* shall make further Provision therein, a Write do Issue under the Great-Seal of the United Kingdom, directed to the Privy Council of *Scotland*, Commanding them to cause Sixteen Peers, who are to Sit in the House of Lords, to be Summoned to Parliament, and Fourty Five Members, to be Elected, to Sit in the House of Commons of the Parliament of *Great-Britain*, according to the Agreement in this Treaty, in such manner as by an Act of this present Session of the Parliament of *Scotland*, is or shall be settled; Which Act is hereby Declared to be as valid, as if it were a part of, and Ingrossed in this Treaty; And that the Names of the Persons so Summoned and Elected, shall be Returned by the Privy Council of *Scotland*, into the Court from whence the said Write did Issue; And that if Her Majesty, on or before the First Day of *May* next, on which Day the Union is to take Place, shall Declare under the Great-Seal of *England*, that it is Expedient, That

the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the First Parliament of *Great-Britain*, for and on the part of *England*, Then the said Lords of Parliament of *England*, and Commons of the present Parliament of *England*, shall be the Members of the respective Houses of the First Parliament of *Great-Britain*, for and on the part of *England*: And Her Majesty may, by Her Royal Proclamation under the Great-Seal of *Great-Britain*, Appoint the said First Parliament of *Great-Britain*, to meet at such Time and Place as Her Majesty shall think fit, Which Time shall not be less than Fifty Days after the Date of such Proclamation; And the Time and Place of the Meeting of such Parliament being so appointed, a Write shall be immediately Issued under the Great-Seal of *Great-Britain*, directed to the Privy Council of *Scotland*, for the Summoning the Sixteen Peers, and for Electing Forty Five Members, by whom *Scotland* is to be Represented in the Parliament of *Great-Britain*; And the Lords of Parliament of *England*, and the Sixteen Peers of *Scotland*, such Sixteen Peers being Summoned and Returned in the manner agreed in this Treaty; And the Members of the House of Commons of the said Parliament of *England*, and the Forty Five Members for *Scotland*, such Forty Five Members being Elect-ed and Returned in the manner agreed in this Treaty, shall Assemble and Meet respectively in their respective Houses of the Parliament of *Great-Britain*, at such Time and Place as shall be so Appointed by Her Majesty, and shall be the Two Houses of the First Parliament of *Great-Britain*: And that Parliament may continue for such Time only, as the present Parliament of *England* might have continued, if the Union of the Two Kingdoms had not been made, unless sooner Dissolved by Her Majesty. And that every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliament of *Great-Britain*, in the First and all succeeding Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherways Direct, shall take the respective Oaths appointed to be taken, in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in *England*, in the First Year of the Reign of the late King *William* and Queen *Mary*, Intituled, *An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and Appointing other Oaths*; And Make, Subscribe and audibly Repeat the Declaration mentioned in an Act of Parliament made in *England*, in the Thirtieth Year of the Reign of King *Charles* the Second, Intituled, *An Act for the more effectual preserving the Kings Person and Government, by disabling Papists from sitting in either House of Parliament*; And shall Take and Subscribe the Oath mentioned in an Act of Parliament made in *England*, in the First Year of Her Majesties Reign, Intituled, *An Act to Declare the Alterations in the Oath appointed to be taken by the Act, Intituled, An Act for the further Security of His Majesties Person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, And for Declaring the Association to be determined*: At such time, and in such manner, as the Members of both Houses of Parliament of *England* are, by the said respective Acts, directed to Take, Make and Subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained. And it is declared and agreed, That these Words, *This Realm, The Crown of this Realm, and the Queen of this Realm*, mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of *England*, shall be understood of the Crown and Realm of *Great-Britain*; And that, in that Sense, The said Oaths and Declaration be taken and subscribed by the Members of both Houses of the Parliament of *Great-Britain*.

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Article 23. That the aforesaid Sixteen Peers of *Scotland*, mentioned in the last preceeding Article, to sit in the House of Lords of the Parliament of *Great-Britain*, shall have all Privileges of Parliament which the Peers of *England* now have, and which they, or any Peers of *Great-Britain* shall have after the Union, and particularly the Right of sitting upon the Tryals of Peers: And in case of the Tryal of any Peer in time of Adjournment or Prorogation of Parliament, the said Sixteen Peers shall be Summoned in the same manner, and have the same Powers and Privileges at such Tryal, as any other Peers of *Great-Britain*. And that in case any Tryals of Peers shall hereafter happen, when there is no Parliament in Being, the Sixteen Peers of *Scotland*, who sat in the last preceeding Parliament, shall be Summoned in the same manner, and have the same Powers and Privileges at such Tryals, as any other Peers of *Great-Britain*. And that all Peers of *Scotland*, and their Successors to their Honours and Dignities, shall, from and after the Union, be Peers of *Great-Britain*, and have Rank and Precedency next and immediately after the Peers of the like Orders and Degrees in *England*, at the Time of the Union, and before all Peers of *Great-Britain* of the like Orders and Degrees, who may be Created after the Union, and shall be Tryed as Peers of *Great-Britain*, and shall enjoy all Privileges of Peers as fully as the Peers of *England* do now, or as they, or any other Peers of *Great-Britain* may hereafter Enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the Right of sitting upon the Tryals of Peers.

Article 24. That from and after the Union, there be one Great-Seal for the United Kingdom of *Great-Britain*, which shall be different from the Great-Seal now used in either Kingdom; And that the Quartering the Arms, and the Rank and Precedency of the Lyon King of Arms of the Kingdom of *Scotland*, as may best suite the Union, be left to Her Majesty; And that, in the mean time, the Great-Seal of *England* be used as the Great-Seal of the United Kingdom, and that the Great-Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of *Great-Britain*, and for Sealing all Treaties with Foreign Princes and States, and all publick Acts, Instruments and Orders of State which concern the whole United Kingdom, and in all other Matters relating to *England*, as the Great-Seal of *England* is now used; And that a Seal in *Scotland*, after the Union, be always kept, and made use of in all things relating to private Rights or Grants, which have usually passed the Great-Seal of *Scotland*, and which only concern Offices, Grants, Commissions and private Rights within that Kingdom; And that, until such Seal shall be appointed by Her Majesty, the present Great-Seal of *Scotland* shall be used for such purposes; And that the Privy-Seal, Signet, Casset, Signet of the Justiciary Court, Quarter-Seal, and Seals of Courts now used in *Scotland*, be continued; but that the said Seals be altered, and adapted to the State of the Union, as Her Majesty shall think fit: And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations, as the Parliament of *Great-Britain* shall hereafter make: And that the Crown, Scepter and Sword of State, the Records of Parliament, and all other Records, Rolls and Registers whatsoever, both Publick and Private, General and Particular, and Warrants thereof, continue to be kept as they are within that part of the United Kingdom, now called *Scotland*, and that they shall so remain, in all times coming, notwithstanding the Union.

Article 25. That all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall, from and after the Union, cease and become void, and

and shall be so declared to be by the respective Parliaments of the said Kingdoms. As by the said Articles of Union Ratified and Approved by the said Act of Parliament of *Scotland*, relation thereunto being had, may appear; And the Tenor of the aforesaid Act for Securing the Protestant Religion and Presbyterian Church Government within the Kingdom of *Scotland*, is as follows,

OUR SOVEREIGN LADY and the Estates of Parliament Considering, That by the late Act of Parliament for a Treaty with *England*, for an Union of both Kingdoms, It is provided, That the Commissioners for that Treaty, should not Treat of or concerning any Alteration of the Worship, Discipline and Government of the Church of this Kingdom, as now by Law Established: Which Treaty being now Reported to the Parliament, And it being Reasonable and Necessary, that the true Protestant Religion, as presently professed within this Kingdom, with the Worship, Discipline and Government of this Church, should be effectually and unalterably secured; Therefore Her Majesty, with Advice and Consent of the said Estates of Parliament, Doth hereby Establish and Confirm the said True Protestant Religion, and the Worship, Discipline and Government of this Church, to continue without any Alteration to the People of this Land in all succeeding Generations; And more especially, Her Majesty, with Advice and Consent aforesaid, Ratifies, Approves, and for ever Confirms the Fifth Act of the First Parliament of King *William* and Queen *Mary*, Intituled, *Act Ratifying the Confession of Faith, and Settling Presbyterian Church Government*, with all other Acts of Parliament relating thereto, in prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right, bearing Date the Eleventh of *April* One Thousand Six Hundred and Eighty Nine; And Her Majesty, with Advice and Consent aforesaid, expressly provides and declares, That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline, That is to say, The Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods and General Assemblies, all Established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue Unalterable; And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of *Scotland*. And further, for the greater Security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of this Church as above Established, Her Majesty, with Advice and Consent foresaid, Statutes and Ordains, That the Universities and Colleges of *St. Andrews*, *Glasgow*, *Aberdeen* and *Edinburgh*, as now Established by Law, shall continue within this Kingdom for ever. And that, in all time coming, no Professors, Principals, Regents, Masters, or others bearing Office in any University, College or School within this Kingdom be capable, or be admitted or allowed to continue in the Exercise of their said Functions, but such as shall owne and acknowledge the Civil Government in manner prescribed, or to be prescribed by the Acts of Parliament. As also, That, before, or at their Admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith; And that they will practise & conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour, directly or indirectly, the Prejudice or Subversion of the same; And that before the respective Presbyteries of their Bounds, By whatsoever Gift, Presentation or Provision they may be thereto provided. And further, Her Majesty, with Advice aforesaid, expressly Declares and Statutes, That none of the Subjects of this Kingdom shall be lyable to, but all and every one of them for ever

free of any Oath, Test or Subscription within this Kingdom, contrary to, or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government, Worship and Discipline as above Established: And that the same, within the Bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. *And lastly*, That, after the Decease of Her present Majesty, (whom GOD long preserve) the Sovereign succeeding to Her in the Royal Government of the Kingdom of *Great-Britain*, shall in all time coming, at His or Her Accession to the Crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion, with the Government, Worship, Discipline, Right, and Privileges of this Church, as above Established by the Laws of this Kingdom, in prosecution of the Claim of Right. And it is hereby *Statute and Ordained*, That this Act of Parliament, with the Establishment therein-contained, shall be held and observed, in all times coming, as a Fundamental and Essential Condition of any Treaty or Union to be concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto, in any sort for ever. As also, That this Act of Parliament, and Settlement therein-contained, shall be insert and repeated in any Act of Parliament that shall pass, for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms; And that the same shall be therein expressly declared, to be a Fundamental and Essential Condition of the said Treaty or Union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above-written, Her Majesty, with Advice and Consent foresaid, *Statutes, Enacts and Ordains* to be, and continue, in all time coming, the sure and perpetual Foundation of a compleat and intire UNION of the two Kingdoms of *Scotland* and *England*, Under the express *Condition and Provision*, That this Approbation and Ratification of the foresaid Articles and Act shall be no ways binding on this Kingdom, until the said Articles and Act be Ratified, Approved and Confirmed by Her Majesty, with and by the Authority of the Parliament of *England*, as they are now agreed to, approved and confirmed by Her Majesty, with and by the Authority of the Parliament of *Scotland*. *Declaring nevertheless*, That the Parliament of *England* may provide for the Security of the Church of *England* as they think expedient, to take place within the Bounds of the said Kingdom of *England*, and not derogating from the Security above provided, for the Establishing of the Church of *Scotland* within the Bounds of this Kingdom. As also, the said Parliament of *England* may extend the Additions, and other Provisions contained in the Articles of Union, as above insert in favours of the Subjects of *Scotland*, To, and in favours of the Subjects of *England*, which shall not suspend or derogate from the Force and Effect of this present Ratification, but shall be understood as herein included, without the necessity of any new Ratification in the Parliament of *Scotland*. And lastly, Her Majesty Enacts and Declares, That all Laws and Statutes in this Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles as above-mentioned, shall, from and after the Union, cease and become void.

AND WHEREAS an Act hath passed in this present Session of Parliament, Intituled, *An Act for securing the Church of England as by Law Established*, the Tenor whereof follows, *Whereas* by an Act made in the Session of Parliament held in the Third and Fourth Year of Her Majesties Reign, whereby Her Majesty was Impowered to appoint Commissioners under the Great Seal of *England*, to treat with Commissioners to be Authorized by the Parliament of *Scotland*, concerning an Union of the Kingdoms of *England* and *Scotland*, It is provided and Enacted, That the Commissioners to be Named in pursuance of the said Act, should not Treat of or concerning

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concerning any Alteration of the Liturgy, Rites, Ceremonies, Discipline or Government of the Church, as by Law Established, within this Realm; *And whereas* certain Commissioners appointed by Her Majesty in pursuance of the said Act, and also other Commissioners, nominated by Her Majesty, by the Authority of the Parliament of *Scotland*, have met and agreed upon a Treaty of Union of the said Kingdoms, which Treaty is now under the Consideration of this present Parliament; *And whereas* the said Treaty, with some Alterations therein made, is Ratified and Approved by Act of Parliament in *Scotland*, and the said Act of Ratification is by Her Majesties Royal Command, laid before the Parliament of this Kingdom; *And whereas* it is Reasonable and Necessary that the True Protestant Religion professed and established by Law in the Church of *England*, and the Doctrine, Worship, Discipline and Government thereof, should be effectually and unalterably secured, *Be it Enacted* by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by Authority of the same, That an Act made in the Thirteenth Year of the Reign of Queen *Elizabeth* of Famous Memory, Intituled, *An Act for the Ministers of the Church to be of sound Religion*; and also an other Act made in the Thirteenth Year of the Reign of the late King *CHARLES* the second, Intituled, *An Act for the Uniformity of publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for Establishing the Form of Making, Ordaining and Consecrating Bishops, Priests and Deacons in the Church of England*, (other than such Clauses in the said Acts or either of them as have been repealed or altered by any subsequent Act or Acts of Parliament,) and all and singular other Acts of Parliament now in Force, for the Establishment and Preservation of the Church of *England*, and the Doctrine, Worship, Discipline and Government thereof, shall remain and be in full Force for ever; *And be it further Enacted* by the Authority aforesaid, That after the Demise of Her Majesty, (whom GOD long preserve) the SOVEREIGN next succeeding to Her Majesty in the Royal Government of the Kingdom of *Great-Britain*, and so for ever hereafter, every King or Queen succeeding and coming to the Royal Government of the Kingdom of *Great-Britain*, at His or Her Coronation, shall in the presence of all persons who shall be attending, assisting or otherwise then and there present, Take and Subscribe an Oath to maintain and preserve inviolably the said Settlement of the Church of *England*, and the Doctrine, Worship, Discipline and Government thereof, as by Law Established within the Kingdoms of *England* and *Ireland*, the Dominion of *Wales*, and Town of *Berwick upon Tweed*, and the Territories thereunto belonging. *And be it further Enacted* by the Authority aforesaid, That this Act and all and every the Matters and Things therein contained, be, and shall for ever be holden and adjudged to be a Fundamental and Essential part of any Treaty of Union to be concluded between the said Two Kingdoms; And also that this Act shall be inserted in express Terms in any Act of Parliament which shall be made for Settling and Ratifying any such Treaty of Union, and shall be therein Declared to be an Essential and Fundamental part thereof. *May it therefore please your most Excellent Majesty*, That it may be Enacted, *And be it Enacted* by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all and every the said Articles of Union as Ratified and Approved by the said Act of Parliament of *Scotland* as aforesaid, and herein before particularly mentioned and inserted, and also the said Act of Parliament of *Scotland*, for Establishing the Protestant Religion, and Presbyterian Church Government

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within that Kingdom, Intituled, *Act for securing the Protestant Religion and Presbyterian Church Government*, and every Clause, Matter and Thing in the said Articles, and Act contained, shall be, and the said Articles and Act are hereby for ever Ratified, Approved and Confirmed. And it is hereby further *Enacted* by the Authority aforesaid, That the said Act passed in this present Session of Parliament, Intituled, *An Act for securing the Church of England as by Law Established*, and all and every the Matters and Things therein contained, and also the said Act of Parliament of Scotland, Intituled, *Act for securing the Protestant Religion and Presbyterian Church Government*, with the Establishment in the said Act contained, be, and shall for ever be held and adjudged to be and observed as Fundamental and Essential Conditions of the said Union, and shall in all times coming be taken to be, and are hereby Declared to be Essential and Fundamental parts of the said Articles and Union; And the said Articles of Union so as aforesaid Ratified, Approved and Confirmed by Act of Parliament of Scotland, and by this present Act, and the said Act passed in this present Session of Parliament, Intituled, *An Act for securing the Church of England as by Law Established*; and also the said Act passed in the Parliament of Scotland, Intituled, *Act for securing the Protestant Religion and Presbyterian Church Government*, are hereby *Enacted* and *Ordained* to be and continue, in all times coming, the compleat and intire Union of the two Kingdoms of England and Scotland.

And Whereas since the passing the said Act in the Parliament of Scotland for Ratifying the said Articles of Union, one other Act, Intituled, *Act settling the manner of Electing the Sixteen Peers and Fourty Five Members to Represent Scotland in the Parliament of Great Britain*, hath likewise passed in the said Parliament of Scotland, at Edinburgh the Fifth Day of February One Thousand Seven Hundred and Seven, the Tenor whereof follows, OUR SOVEREIGN LADY Considering, That by the Twenty Second Article of the Treaty of Union, as the same is Ratified by an Act passed in this Session of Parliament, upon the sixteenth of January last, It is provided, that by virtue of the said Treaty, Of the Peers of Scotland, at the time of the Union, Sixteen shall be the Number to Sit and Vote in the House of Lords, and Fourty Five the Number of the Representatives of Scotland in the House of Commons of the Parliament of Great-Britain; And that the said Sixteen Peers, and Fourty Five Members in the House of Commons, be Named and Chosen in such manner, as by a subsequent Act in this present Session of Parliament in Scotland should be settled; Which Act is thereby declared to be as valid, as if it were a part of, and ingrossed in the said Treaty; Therefore, Her Majesty, with Advice and Consent of the Estates of Parliament, *Statutes, Enacts and Ordains*, That the said Sixteen Peers who shall have Right to Sit in the House of Peers in the Parliament of Great Britain on the part of Scotland, by virtue of this Treaty, shall be Named by the said Peers of Scotland whom they Represent, their Heirs or Successors to their Dignities and Honours, out of their own Number, And that by open Election and Plurality of Voices of the Peers present, and of the Proxies for such as shall be absent, the said Proxies being Peers, and producing a Mandate in Writing duly Signed before Witnesses. and both the Constituent and Proxy being Qualified according to Law; Declaring also, that such Peers as are absent, being Qualified as aforesaid, may send to all such Meetings, Lists of the Peers whom they Judge fittest, validly Signed by the said absent Peers, which shall be reckoned in the same manner, as if the Parties had been present, and given in the said List: And in case of the Death, or legal Incapacity of any of the said Sixteen Peers, that the aforesaid Sixteen Peers of Scotland shall Nominate another of their own Number in place of the said Peer or Peers in manner before and after mentioned. And that of the said Fourty Five

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Representatives

Representatives of Scotland in the House of Commons in the Parliament of Great-Britain, Thirty shall be Chosen by the Shires or Stewartries, and Fifteen by the Royal Burrows, as follows, *Videlicet*, One for every Shire and Stewartry, excepting the Shires of *Bute* and *Caithness*, which shall Choose one by Turns, *Bute* having the first Election; The Shires of *Nairn* and *Cromarty* which shall also Choose by Turns, *Nairn* having the first Election; And in like manner, the Shires of *Clackmannan* and *Kinross* shall Choose by Turns, *Clackmannan* having the first Election: And in case of the Death or legal Incapacity of any of the said Members from the respective Shires or Stewartries above-mentioned, to sit in the House of Commons, It is Enacted and Ordained, That the Shire or Stewartry who Elect-ed the said Member, shall Elect another Member in his place. And that the said Fifteen Representatives for the Royal Burrows be Chosen as follows, *Videlicet*, That the Town of *Edinburgh* shall have Right to Elect and send one Member to the Parliament of Great-Britain; And that each of the other Burghs shall Elect a Commissioner in the same manner, as they are now in use to Elect Commissioners to the Parliament of Scotland; Which Commissioners and Burghs (*Edinburgh* excepted) being divided in Fourteen Classes or Districts, shall meet at such time and Burghs within their respective Districts, as Her Majesty, Her Heirs or Successors shall appoint, and Elect one for each District, *Videlicet*, The Burghs of *Kirkcaldy*, *Week*, *Dornock*, *Dingwall* and *Tayne*, One; The Burghs of *Fortrose*, *Inverness*, *Nairn* and *Forres*, One; The Burghs of *Elgin*, *Cullen*, *Banff*, *Inverury* and *Kintore*, One; The Burghs of *Aberdeen*, *Inverbervie*, *Montrose*, *Aberbrothock* and *Briehen*, One; The Burghs of *Forfar*, *Perth*, *Dundee*, *Comper* and *St. Andrews*, One; The Burghs of *Crail*, *Kilrennie*, *Anstruther Easter*, *Anstruther Wester*, and *Pittenweem*, One; The Burghs of *Dysart*, *Kirkcaldy*, *Kingbarn* and *Bruntisland*, One; The Burghs of *Inverkeithing*, *Dumfermline*, *Queensferry*, *Culross* and *Stirling*, One; The Burghs of *Glasgow*, *Renfrew*, *Ruglen* and *Dumbarton*, One; The Burghs of *Haddington*, *Dunbar*, *Northberwick*, *Lawder* and *Jedburgh*, One; The Burghs of *Selkirk*, *Peebles*, *Linlithgow* and *Lanerk*, One; The Burghs of *Dumfries*, *Sanguhar*, *Annan*, *Lochmaben* and *Kirkcudbright*, One; The Burghs of *Wigtown*, *Newgalloway*, *Stranraer* and *Whiteburn*, One; And the Burghs of *Air*, *Irvine*, *Rotbessy*, *Campbeltown* and *Inverary*, One. And it is hereby Declared and Ordained, That where the Votes of the Commissioners for the said Burghs, Met to Choose Representatives from their several Districts to the Parliament of Great-Britain shall be equal, in that case, the President of the Meeting shall have a Casting or Decisive Vote, and that by and according to his Vote as a Commissioner from the Burgh from which he is sent, the Commissioner from the eldest Burgh presiding in the first Meeting, and the Commissioners from the other Burghs in their respective Districts presiding afterwards by Turns, in the Order, as the said Burghs are now called in the Rolls of the Parliament of Scotland. And that in case any of the said Fifteen Commissioners from Burghs shall decease, or become legally Incapable to sit in the House of Commons, Then the Town of *Edinburgh*, or the District which Chose the said Member, shall Elect a Member in his or their place: It is always hereby expressly Provided and Declared, That none shall be capable to Elect or be Elected for any of the said Estates, but such as are Twenty One Years of Age compleat, and Protestant, Excluding all Papists, or such who being suspect of Popery, and required, refuse to swear and subscribe the *Formula*, contained in the Third Act, made in the Eighth and Ninth Sessions of King *Williams* Parliament, Intituled, *Act for preventing the Growth of Popery*, And also declaring, that none shall be capable to Elect or be Elected to Represent a Shire or Burgh in the Parliament of Great-Britain for this part of the United Kingdom, except such

as are now capable by the Laws of this Kingdom to Elect or be Elected as Commissioners for Shires or Burghs to the Parliament of *Scotland*. And further, Her Majesty, with Advice and Consent aforesaid, for the effectual and orderly Election of the Persons to be Chosen to Sit, Vote and Serve in the respective Houses of the Parliament of *Great-Britain*, when Her Majesty, Her Heirs or Successors shall declare Her or Their Pleasure for holding the first, or any subsequent Parliament of *Great-Britain*, and when for that effect a Write shall be Issued out under the Great Seal of the United Kingdom, directed to the Privy Council of *Scotland*, conform to the said Twenty Second Article, *Statutes, Enacts and Ordains*, That until the Parliament of *Great-Britain* shall make further Provision therein, the said Write shall contain a Warrant and Command to the said Privy Council to Issue out a Proclamation in Her Majesties Name, requiring the Peers of *Scotland* for the time, to Meet and Assemble at such time and place within *Scotland*, as Her Majesty and Royal Successors shall think fit, To make Election of the said Sixteen Peers; And requiring the Lord Clerk Register, or two of the Clerks of Session to attend all such Meetings, and to Administer the Oaths that are or shall be by Law required, and to ask the Votes; And having made up the Lists in presence of the Meeting, to return the Names of the Sixteen Peers chosen, (certified under the Subscription of the said Lord Clerk Register, Clerk or Clerks of Session attending) to the Clerk of the Privy Council of *Scotland*. And in like manner, Requiring and Ordaining the several Free-holders in the respective Shires and Stewartries to Meet and Convene at the Head-Burghs of their several Shires and Stewartries, to Elect their Commissioners, conform to the Order above set down; And Ordaining the Clerks of the said Meetings, immediately after the said Elections are over, respectively to return the Names of the Persons Elected, to the Clerks of the Privy Council. And lastly, Ordaining the City of *Edinburgh* to Elect their Commissioner, and the other Royal Burghs to Elect each of them a Commissioner, as they have been in use to Elect Commissioners to the Parliament, and to send the said respective Commissioners, at such times, to such Burghs within their respective Districts, as Her Majesty and Successors, by such Proclamations, shall appoint; Requiring and Ordaining the common Clerk of the respective Burghs, where such Elections shall be appointed to be made, to attend the said Meetings, and immediately after the Election, to Return the Name of the Persons so Elected, (certified under his Hand) to the Clerk of Privy Council; To the end that the Names of the Sixteen Peers, Thirty Commissioners for Shires, and Fifteen Commissioners for Burghs, being so returned to the Privy Council, may be returned to the Court from whence the Write did issue, under the Great-Seal of the United Kingdom, conform to the said Twenty Second Article: And whereas by the said Twenty Second Article, It is agreed, That if Her Majesty shall, on or before the First Day of *May* next, declare that it is expedient, the Lords and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the First Parliament of *Great-Britain*, for and on the part of *England*, they shall accordingly be the Members of the said respective Houses, for and on the part of *England*; Her Majesty, with Advice and Consent aforesaid, in that case only, Doth hereby *Statute and Ordain*, That the Sixteen Peers and Forty Five Commissioners for Shires and Burghs, who shall be chosen by the Peers, Barons and Burghs respectively in this present Session of Parliament, and out of the Members thereof, in the same manner as Committees of Parliament are usually now chosen, shall be the Members of the respective Houses of the said First Parliament of *Great-Britain*, for and on the part of *Scotland*; Which Nomination and Election being certified by a Write under the Lord Clerk

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Registers

Registers Hand, The Persons so Nominated and Elected shall have Right to Sit and Vote in the House of Lords, and in the House of Commons of the said First Parliament of *Great Britain*, As by the said Act passed in *Scotland* for settling the manner of Electing the Sixteen Peers and Fourty Five Members to Represent *Scotland* in the Parliament of *Great Britain* may appear; Be it therefore further Enacted and Declared by the Authority aforesaid, That the said last mentioned Act passed in *Scotland* for settling the manner of Electing the Sixteen Peers and Fourty Five Members to Represent *Scotland* in the Parliament of GREAT BRITAIN, as aforesaid, shall be, and the same is hereby Declared to be as valid as if the same had been part of, and Ingrossed in the said Articles of UNION, Ratified and Approved by the said Act of Parliament of *Scotland*, and by this Act as aforesaid. Ego Matheus Johnson Armiger Clericus Parliamentor: virtute Brevis dict: Domine Regine de Certiorand: mihi direct: & his annex. Certifico superius hoc Scriptum verum esse tenorum Actus Parliamenti supradicti. in eo Brevis expressi In cujus rei Testimonium huic schedule Sigillum Meum apposui Nomenque meum subscripsi dat: septimo die Martii anno regni dicte Domine Regine quinto annoque Domini millesimo septingentesimo sexto *Matb. Johnson*. NOS autem seperales Tenores Brevis Retorn: & Actus predict: duximus Exemplificand: per presentes In cujus rei Testimonium has literas nostras fieri fecimus Patentes Teste meipso apud *Westmonaster*: septimo die Martii anno regni nostri quinto.

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ERRATA,

In the Part called, *The General History of Union.*

Folio 5. Line 23. for Henry the 2d. read Henry the 3d. fol. 19. l. 34 for Salisbury r. Salis-
bury, fol. 22. l. 15 f. r. Arlington r. Arlington fol. 42. l. 31. for Painly r. Plainly, fol. 50.
l. 1. ne but 2. for second head r. fourth head, fol. 52. l. 31. for it was the foundation r. it was not the
foundation, 16. last line but one, for be obtained r. first obtained, and place a Comma at not. fol.
53. l. 25. for and therefore r. therefore, fol. 56. l. 8. place a Comma after the word Security, fol.
59. l. 17. for 1706 r. 1705.

E R R A T A in the Part called, *The last Treaty properly, called, the Treaty of Union.*

Fol. 18. last line but 3. for large r. large, fol. 25. last line but six, place a Comma after
that, fol. 26. l. 6. for unto r. into, fol. 48. l. 37. for impropiated r. appropriated, fol. 67. the last
line, for le not pretend r. do not pretend, fol. 83. after the 17th. line r. the Minute continued. fol.
100. l. 24. for obliaged r. obliged, fol. 104. the last, add N^o. SX. fol. 108. in the 13th. Arti-
cle after the words in England add upon Malt, fol. 112. l. 8. for insistent r. inconsistent.

E R R A T A in the Part called, *Of the carrying on the Treaty in Scotland.*

Fol. 11. last line but one, for eneaoured r. endeavoured, fol. 12. l. 17. for Parly Pick r. Party
Pique, fol. 16. l. 35. f. defend r. defend, fol. 29. l. 2d. f. thus r. This, fol. 44. f. landed on at
r. arriv'd in. fol. 58. l. 3d. f. N^o. M. r. N^o. P. fol. 60. f. the day of r. the 7 of Nov. the day
after. fol. 66. l. 42. f. or r. for.

E R R A T A in the Part called, *An Abstract of the Proceedings on the Treaty of Union in the
Parliament of Scotland.*

Fol. 34. l. 7. f. Cores r. Corps. ib. l. 11. f. satless r. saltless. fol. 40. l. f. afraid prove r. afraid
will prove, fol. 49. l. 5. f. be and use r. because, ib. l. 7. f. Teaty r. Treaty. l. 10. f. explain them
r. explain to them, f. 77. l. 15. f. 1698 r. 1688, fol. 99. l. 16. f. nineteen to fourteen Shillings
nine pence r. Nineteen pence to four Shillings nine pence, ib. l. 24. f. 19 pence r. 38 pence, fol. 110.
add fifteenth after in the, fol. 112. l. 19. f. such Incumbrances r. such like Incumbrances, ib. l. 22.
f. as r. and, fol. 112. l. 2d. after were add thirty three, ib. l. 7. after were add sixty six, ib. l.
40. f. renred r. rendred, fol. 114. l. 34. f. aluise r. always, Page 144. l. 22. f. Page the 5th. r. 108,
fol. 145. l. 31. f. Page 9. r. Page 109. fol. 153. l. 25. f. DXX. r. EXX. fol. 180. l. 19. f.
Ashole r. Achole, fol. 182. l. 30. f. N^o. LMNO. r. KLMN, fol. 202. l. 17. f. N^o. XXX. r. OXX. fol.
203. l. the last but four, f. made motion r. made a motion, fol. 221. last line but one f. N^o. LXX.
r. K 3. fol. 237. l. 35. f. N^o. LXX. r. I 3. fol. 244. l. 2d. f. upon r. upon.

First APPENDIX.

Fol. 16. l. 28. f. Cause r. Clause.

Second APPENDIX.

~~Fol. 46. l. 14th. f. 7000. r. 700. and in the Murgent f. 28000 r. 2800,~~ fol. 73. l. 11. f. 4 d.
r. 4 s. Ibid. l. 26. f. 4 d. r. 4 s. fol. 75. last line f. Comprehensions r. Apprehensions, fol. 76. l.
14. f. in End r. in the End, fol. 104. l. 36. f. Charence r. Clarence, f. 124. last line but three
f. they r. they.

APPENDIX,

Part I,

Containing an Account of Transactions in both Parts of the United Kingdoms, subsequent to the UNION; being an Abridgment of the several Alterations made in the Laws, Trade, Customs, and Constitution of both Kingdoms by the UNION.

THe Union was no sooner Concluded, and the Ratifications Exchanged, as has been said, but an unlucky Business happened, that opened afresh the Mouths of those that had all along watched Occasions for that purpose, and furnished them with matter of new Clamour. The particulars are as follows ;

The Time when the Union was to take place, was the first of May, after which, by the Fourth Article of the Treaty, the Subjects of either Kingdom were to have a free Intercourse of Trade, to enjoy equal Privileges, and were to be upon an equal Foot as to Taxes, Customs, Duties, Prohibitions, &c. as by Words of the Treaty, viz. Article 4th.

That all the Subjects of the United Kingdom of Great-Britain shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging ; And that there be a Communication of all other Rights, Privileges and Advantages, which do, or may belong to the Subjects of either Kingdom, except where it is otherways expressly agreed in these Articles.

But in the Interval of Time, between the finishing of the Treaty and the first of May, all Things by Consequence remained as they were, and all Merchandizes being Imported into Scotland upon the Foot of the former Customs, which were much Lower than in England, the Merchants in both Kingdoms laying hold of that Advantage, for their private Gain, Fraughted abundance of Ships in France and

Holland with all sorts of Goods, which payed high Duties in *England*, Landing them in *Scotland*, and paying only the *Scots* Dues, presuming that after the first of *May*, they should be sent Free to *England*, according to the general Article of Freedom of Commerce.

To let the Reader more Exactly into this Case, I shall state the difference of the Duties of some of the several Commodities, which being thus Imported into *Scotland*, were after to be carried into *England*; such as, Wines, Brandies, Salt, Lintseed, Iron, Timber, Deals, &c being the chief kinds of Goods Imported in *Scotland*, and which the Duties were most Complained of.

Besides this, it is to be observed, That the Customs of *Scotland* being Let in Tack, as they call it in *Scotland*, or in Farm, as in *England*, the Tacksmen or Farmers, to Encourage the Merchants to make large Importations, made several Compositions and Abatements to them less or more, according as the Quantity of the Goods Imported, Encouraged, by this means the Customs were still reduced, and yet the Farmers of the Customs made great Gain of that Interval of Trade.

Another Article of the Contrivance of the Merchants on this Head, was in *England*, upon the Drawbacks on Foreign Goods Imported there, and Exported again by Certificate.

And this indeed was less Honest by far than the other, tho' both of them Politick enough; and, which was thought, had slipt the Notice of the Treaters on both sides, during the Negotiating the Treaty.

The Exporters in this Case, sent Goods from *England* to *Scotland* by Certificate, drawing back the Duties paid on their Import in *England*, as being sent to a Foreign Country: After the Union the Kingdoms becoming One, it was by the Treaty left open for them, to carry the same Goods back into *England*, and Sell them there, as if they had paid the Duty.

The principal Article this Circumstance relates to, was Tobacco, which paying a large Duty of near Six Pence per Pound in *England*, above Six Thousand Hogsheads as I have been told, (*Some have said much more, even to double the Quantity, but I choose to relate the lowest Number,*) was sent into *Scotland*, and 5 per Pound of the said Custom drawn back by the Merchant.

I need not acquaint the Reader, That the Exporter was both bound in a Bond with Securities, and also Sworn against the Re-landing or returning it into *England* again; But as the Union gave a free Intercourse of Trade, i. e. Exporting and Importing to and from the respective Kingdoms, without paying any Duties, or any Molestation whatsoever, so their Bonds seem'd to be of no Value in that Case; But whether the Oath was of no Value to them, is another Affair, and not for me to Determine here.

It is evident, the Tobacco was sent to *Scotland* in Quantities, so much above the usual Consumption of that Country, that it could

could rationally be esteemed to be with no other Prospect, than of Returning it into *England* again after the Union, and so to obtain the Advantage of the Drawback.

In like manner it is evident, the great Import into *Scotland* of Wines and Brandy from *France*, either directly, or by way of *Holland*, was so much beyond the ordinary Consumption of the Place, that it could be with no other End, than the carrying it into *England* after the Union should take place, nor did the Merchants stick to owne that to be in the Design.

The Merchants in *London*, especially such as were concerned in the Trade to *Spain*, *Italy* and *Portugal*, and consequently had the greatest Injury, made loud Complaints of this, as an Intolerable Inequality, and a Thing so Unjust that they made no doubt to concern the Government in it, and the Parliament being then sitting, they Addressed the House of Commons for Relief.

Their Address was followed with Numerous Solicitations, they even wearied the Members, the Secretaries of State, and every Body, that they thought would Espouse their Cause; that as some have Expressed it, They almost drove the House by the Force of their Clamours, upon a Debate of a Thing, which most People thought they had really no Power, at least no Reason, to meddle with.

The Parliament then sitting was the same, which had in Concert with the Parliament of *Scotland*, made this Union; And it could not seem Reasonable, That the Parliament of *England* in its separate Capacity, could be Qualified to Explain any part of the Articles, which were then Ratified and Recorded in both Kingdoms, and neither Parliament could Determine in Things belonging to the other, any more than they could have done before the Treaty.

However this was, the House of Commons went upon it, great Application being made by the *English* Merchants, and after some Debate, came to this Resolution.

Resolved,

That the Importation of Goods and Merchandizes of the Growth and Produce of France, and other Forreign Parts into Scotland, in order to be brought from thence into England after the first of May, and with Intention to avoid the payment of the English Duties, will be to the Damage & Ruine of the Fair Traders, to the Prejudice of the Manufactures of England, a great Loss to Her Majesties Revenue of the Customs, and a very great Detriment to the Publick.

And in pursuance of this Resolution, a Bill was ordered to be brought in, the Enacting part of which I have Annexed to this Work, in the Appendix N^o C (3). The Title of it was as follows,

A Bill to prevent the Mischiefs of a Fraudulent Practice, in obtaining Drawbacks for Goods carried from England to Scotland,

in order to be brought back again ; and in carrying Goods from Foreign Parts into Scotland, in order to be brought into England, without paying the English Duties, and for better securing the Duties of Goods brought from the East Indies, was (according to order) read a second time, and committed to a Committee of the whole House.

This Bill past all the usual Forms in the House of Commons, and went up to the Lords, but after long Debate in the Upper-House, the Lords rejected it.

It's true, that upon the Petitions and Representations of the *Scots* Merchants, there were long Debates, and great Difficulties in the passing this Bill in the House of Commons, and the *Scots* demanding by the Letter of the Treaty a free Intercourse of Trade, alledged they could not be refused the importing of any Goods out of *Scotland* into *England*, which were not by Law Counterband in *Scotland* before the said Treaty, since having been fairly admitted to an Entry in the Custom-house of *Scotland*, and all the Duties which were demanded being paid, the free Intercourse of Trade between the Nations immediately opened all the Ports of *England* to their Goods.

This Argument was too Powerful and too Plain not to have its Weight in the House: But to solve this, there was an Exception put in to the Bill for the Property of *Scots* Merchants, as a thing which would effectually remove their Scruples, and answer the End both of the Union one way, and of the *Portugal* Merchants another ; For the Complaint seemed to ly not so much against the Freedom of *Scots* Merchants importing their own Goods, but of Forreigners, *Dutch*, *French*, *Jews* and *English*, who under the cover of *Scots* Men had crouded in vast Quantities of Wine and Brandy, meerly to evade paying the *English* Dutie, taking the Advantage of the Interval of Time, and thereby bringing their Goods to Market upon Terms vastly differing from the course of Trade.

To prevent this, the Act was to provide, that all the Properties of the *Scots* Merchants should be exempted, and be allowed to come to *England*, but this was restricted in point of Proof. (1.) The *onus Probandi* lay upon the Merchant, in which many Niceties occurred needless to be mentioned here. (2.) None were to be reputed *Scots* Merchants but such as resided in *Scotland*, this excluded the *Scots* Merchants at *London* and in *Holland*, who were deeply Embarked in these Importations, and on whose Management the chief part of the Design was charged. (3.) The Proof of the Importations and Properties lay before the Commissioners of the Customs, and it was doubtful how it should be determin'd.

Under all these Difficulties, with other Restrictions needless here, this first Act struggl'd and past the Commons, and yet it was thought also, that had the *Scots* been fairly excepted they would have been well enough pleased with such a Difference, and they would have had some reason to have been so ; Nor was the Exception of Forreigners altogether unreasonable, the thing being really a Fraud in Trade,

Trade, and a Hardship upon the fair Traders: But the main Objection turn'd upon another Point, viz. *The Power the Parliament of England alone could have to Determine, Construe, or Explain any one of the Articles of the Union, which being made by the Concurrence of the two respective Kingdoms, could not be subject to the Cognisance of either Parliament in its separate Capacitie,* and upon this Head the Lords rejected the Bill. And this being the main thing in my Observation, on which the whole Case depended, I have purposely omitted the Reasonings on that Article on either side, which were very many, referring my Reader to the Substance of the Address of the Scots Merchants to the House of Lords, and to an Observation made by an eminent Member of the Parliament, which I have added in the Appendix, in order to leave this Case as clear to Posterity as is possible, marked N^o (D 3.) and N^o (E 3.)

However it was absolutely necessary if possible to bring this Affair to some Conclusion, and in order to this the Parliament at that time drawing near an end, for they could sit no longer than the last of April, the Union commencing the 1st. of May, wherefore it was thought expedient to give the House a short Recess, that this matter might come again upon the Stage, whereupon the Queen prorogued the Parliament for three days only, and in a short Speech made them acquainted with the Reason of it, viz. In order to find out an Expedient to prevent any Mischiefs arising to either Kingdom in the short Interval of time between that and the Commencement of the Union.

When the House met again, the Commons began again and voted to the same purpose as before, and ordered a Bill to be brought in in the same terms as before.

The Vote of the House of Commons ran thus;

That the Importation of sundry Goods of the Growth of France thro' Scotland into England, with design to avoid paying the Duties payable for the same in England, is a notorious Fraud, ruinous to the fair Traders, and injurious to Her Majesties Revenue.

Upon this Vote the Merchants at London renewed their Clamours, and all Methods possible were made use of to bring the Parliament into it; The Government would willingly have found out some Expedient to have softened the general Complaint, and to have prevented the Injury to the Revenue, but all Mediums were found imperfect, and the House of Lords persisting in the first Scruple, it fell to the Ground.

While this was transacting, the Merchants went on with their Importation, and tho' the Quantity did not amount to what had been alledged *would be brought in*, yet it was a very great Quantity indeed, and the Damage to the Revenue in England, appears by the following Calculation.

There were not some wanting in either Kingdom, who expected to make early Objections against this proceeding, as a Breach of the

Union on the *English* side, and had the Act past, tho' with the utmost Precautions, discovered that they would have improved that Suggestion to the utmost, and yet it was observable that none were so forward to approve of the Act of Restriction as some Gentlemen who declared their Aversion to the Union, and their willingness to have it dissolved again.

Whatever Loss therefore the Government received by this Affair, they avoided the Stroke it would have given to the Union and the Enemies of the Treaty lost the Opportunity of saying it was broken.

The first of May being arriv'd, the *Scots* Merchants began to apply themselves to the Government for the Settlement of this Matter, and the Importation of their Goods to *England*; This held a long Debate, and took up a great deal of time, however the *Scots* shipped their Goods, took Certificates in *Scotland* of their being fairly imported there before the first of May, and tho' after many Hesitations and Delays, about the middle of *June* the Fleet sailed for *London*, consisting of about 40 Sail mostly loaded with Wine and Brandy:

As soon as they arrived in the River of *Thames*, the Custom-house Officers made a general Seizure both of Ship and Goods; and all was put to a full stop.

This perplex'd the Merchants very much, and loud Clamours were made of it in *Scotland*, as a Breach of the Union; The Royal Burroughs in *Scotland* held their Convention upon this Affair, and the Merchants concerned in the said Ships presented a Petition to them, which because it relates the Complaint in express terms, and for the Information of those People in *England*, who do not particularly understand the Methods there, I insert at large in the *Appendix*.

It may be observed that the Royal Burghs in *Scotland* have their Meetings on emergent Occasions, for the Regulation of Trade, and settling their own Affairs, besides their Annual Meeting.

The Merchants of *Scotland* generally speaking are all Free-men of some one or other of these Burghs, and there hapning to be a Convention or Meeting as above at that time, the Merchants presented to them their Petition, intreating them to represent their Case to the Queen, setting forth their Grievances, this Petition you will find in the *Appendix* N^o A. (3.)

Pursuant to this Petition, the Convention of Burroughs represented their case very earnestly to the Government, by the means of the *Scots* Secretaries of State then at *London* ——— their Address I have also placed in the *Appendix* to this Work N^o B (3)

And thus the Case was wholly referred to the Queen and Council.

It was thought hard indeed that the Ships should not be suffered to unlade, the Season being Hot, and the Wines exposed to spoil; But there was no immediate Remedy, the Custom-house Officers could not possibly do otherwise, for this Reason: Had the Debate been, what Duty they should pay, they might have suffered them to unlade into the Queens Ware-houses, and have detained them there till such Duty had been paid; But the Trade of *France* being universal-ly

ly Prohibit by Act of Parliament, they could not be admitted to an Entry, but were all Forfeited, both Ships and Goods.

The Government willing, if possible, to give the necessary Relief in this Exigence, the Attorney General, and all other Judges, whose Advice was necessary, were required to give their Opinion, but they differ'd in their Judgments so much, that no Resolution could be made in it.

However, that the Merchants might be made Easie, it was proposed to them, That they should Land their Goods, upon Condition, that they gave Security to stand to the Judgment of the *British* Parliament; This was thought but reasonable, and some complied with it, and had their Ships Unloaden: Others refused such Securities, and their Goods lay longer, and suffered more.

At length a *Medium* was found out, which was, to let all the Merchants have the possession of their Goods, serving the Possessors of the Goods with a Writ of *Devenirunt* out of the Exchequer —; This is a kind of Write which puts the Matter in a Form of Prosecution only, that in case of further occasion, the Queen might recover her Dues, and so the Merchants had their Goods, and the Decision of it was left to Time, and to the *British* Parliament.

Thus it continued in a Course of Law, tho' not under prosecution, till the Meeting of the *British* Parliament, when by a Vote of the House of Commons, the whole Affair was Discharged, and all prosecutions ordered to be stopt, of which hereafter. Mean time the Clause in Parliament so much struggled about, you will find in the *Appendix* to this Work, N^o C (3)

Thus ended this difficult Matter, in which is to be Noted the Exactness of the House of Lords, and Tenderness in respect to the Union, which delivered us from the Apprehensions of an Invasion upon the Articles; and notwithstanding the Damage done to the Revenue, which was finally sacrificed to the Ease of the Peoples Minds, the whole Claim was let fall.

It may be thought it had this Use, however, that the Difficulty which appeared in it, Checkt the Quantity of the Goods that would otherways have been brought in, which would have been Intolerable, and some thought this was part of the Design in it.

while this was Transacting, the Government began to take the State of the Nation into their Consideration, in order to settle Things conform to the respective Constitutions, and yet to put the Union as far in Practice as the General Circumstances would admit; And this took up the most part of the Time between the first of May, when the Union took place, and the Sitting down of the first *British* Parliament, nor was the Thing without its Difficulties, as will appear in the several Articles following.

1. The Customs.

2. The Excise.

3. The Equivalent.

4. Petty Justice.

5. The Forces and the Coin.

Previous to these Particulars, it is requisite to observe, That the Administration of publick Affairs was left to remain as before, in the Ministry of a Privy Council, a Treasury, a Chancellor, and Two Secretaries of State, with all other Dependents and Substitutes as before.

This the Queen thought fit to Order, not only, because the Weight of Business was too great, and the particulars too Nice, and of too much Consequence to suffer a sudden Change, which would have made large Intervals in the Course of Administration, put a stop to the publick Business, and Influence private Persons Affairs also. But as the Queen has always thought it best, in such Cases, to take Advice of Her Great Council the Parliament, a Happiness we have often Complained for want of in former Reigns, So it was referred to the Sitting of the *British* Parliament, that it might be settled, to the Satisfaction of the Nation, by the Advice of their full Representative.

Thus the Civil List remained as it was, the Army was subsisted upon the old Establishment, and paid from the Cess granted by the Parliament of *Scotland*, as far as it Extended, the Deficiency was left to the Parliament of *Britain* to supply, as appears by the Act of Parliament granting the Cess.

On the first of *May One Thousand Seven Hundred and Eight*, the Army received their pay from *London*, the Regiment of Foot Guards was received as *English* Guards, and the Command of them given to the Marquis of *Lothian* as Colonel; The Guards were clothed after the *English* manner, I mean, as the *English* Guards, and the whole Establishment of the Forces received their Regulations and Pay from the *British* Government.

But two Things required an immediate Application, viz. The Customs and Excise, for these being to be Established upon a new Foot, viz. According to the Articles, and to Commence precisely on the first of *May*, it was absolutely necessary that they should be first settled.

The same Reasons made it absolutely necessary to bring down some *Englishmen*, to supply Inferiour Offices, both in the Customs and Excise, at least, till proper Persons might be found, or Instructed to Act without them.

It was thought at first, That as *Scotland* being United to *England*, the whole United Kingdom coming under one Denomination, and under one Method of Government, so the Revenues should become

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united in one general Collection, that the Customs should be managed by the Commissioners at *London*, and under them only by Collectors and other Officers in the respective Ports in *Scotland* as it is in *England*, all subservient to, and under the Government of the Commissioners at *London*, and the like in the Excise.

But the Business appeared too weighty and embarrass with too many Difficulties to admit of such a Conjunction, and indeed were I to enter into an Historical Account of the Labyrinths which the first Settlement of these Duties led the Managers of them into, what Difficulties they met with, what Clamours were raised at their Conduct, however impartially they endeavoured to act, it would look as if I were going to Write of persons instead of relating things, and that is none of my business here.

It will be enough here to touch the matters of Fact, by which it will appear, both that the Government proceeded in the best Method, in putting the Customs and Excise into a distinct Management in *Scotland*; And also, that the Commissioners of both shewed they wanted neither Judgment or Application in a Settlement so speedy under such perplex Circumstances as they found these Revenues in at first.

The Commissioners named for the Management of the Customs were as is noted, Three *English-men*, Two *Scots-men*.

Sir Alexander Rigby	}	<i>English-Men.</i>
James Isaacson Esq.		
Lionel Norman Esq.		
Sir Robert Dickson Baronet	}	<i>Scots-Men.</i>
Mr. Will. Boyle Bro. to the E. of Glasgow.		

The whole Extent of the Kingdom lay before them and they had not only new Officers to place in the respective Ports, but they had all their old Officers to instruct in the new Methods, Customs and Manner of securing and accounting the respective Duties.

This obliged the Government, even before Commissioners were named, and before the time for the new Collection began, to direct five persons from *England*, experienced in the Methods and Usage of the Customs, to go down into *Scotland*, to put them into some manner of Order as to Exports and Imports, especially of Goods to be passed between the two Kingdoms when the Union was to take place, and of Imports which might happen before the Commission came down; As also to Regulate the Collection of the subsequent Duties, secure the Payment, and instruct the Officers; And this was about the latter end of *April*. — If the Disorders these Gentlemen found the Custom-house in, the Confusion of Method and Remissness of Practice, was material to note in a History, it would take up a large Discourse here, and make the necessity of a new modelling the Custom house more distinctly appear.

These Gentlemen, tho' it was impossible to build any thing upon the Method they found things in, yet by their Diligence and Application

cation brought them to a little of a Form, and prepared them the better for the Regulations which were to follow.

These were the following Persons.

Mr *Lionel Norman*, (since one of the Commissioners,) from the Custom-house _____ at *Berwick*.
 Mr. *Jessop Boughton*, since Secretary of the Customs, from the Custom-house _____ at *London*.
 Mr. *John Colquhoun*, since Collector at *Leith* _____ from *Chester*.
 Mr. *John Sewell*. _____ from *Carlisle*.
 Mr. *Warwick Arthur* _____ from *Burlington*.

The first Clamour I meet with against these proceedings, was, the filling all the Commissions up with *English Men* and Strangers, and I mention it, not that it was a real Ground of Complaint, their Number being not one fifth Part of the whole, as appears by their Establishment; But to remark how readily every thing was laid hold upon to reproach the Union, as being either originally designed for, or consequentially improved to the particular Advantage of the *English* separately considered.

Now altho' the small Number of *English* employed in the Customs, were a sufficient Answer to the Objections, and a full Justification of the *English* Government in that Case; yet it is a more clear Defence when it is considered that it was impossible to introduce the new Method of collection, the Rules of their keeping their several Offices, and their Accompts, which were all now to be done after the *English* Manner, without the Assistance of Officers from *England*, who had been bred up to the same Business, and were absolutely Masters of the Methods practised in *England*: of which by it self.

But to return to the Question, I mean the necessity of a separate Collection of the Customs and Excise in *Scotland*, it will further appear in reflecting on the Proceedings of the Officers in the prosecution of their new Methods.

For First, the People finding the Duties on *French* Goods so extravagantly high, that the stealing the Customs was more worth their while than usual, fell upon that Practice with so much eagerness, that it was not in the power of the Custom-house Officers at first to suppress it; At several places they practised it so openly, and with such assurance, that when the Officers had made their Seizures they were driven from them by the Rabble, and the Goods attempted to be taken from them by force, & a Fleet arriving from *Holland* about the Months of *August* or *September* after the Union, it was thought that several thousand small Casks of Brandy were conveyed secretly on Shore, which it was impossible to prevent: But of this I shall be more particular by and by.

It was time therefore to take new Methods, and the Commissioners

ners Applying themselves to the Government in this Matter, Soldiers were appointed to Defend the Collectors, as occasion should offer, and the Persons who had Resisted, as above, were Seized, and ordered to be prosecuted; I might give a long History here, of the Frauds and Violences put upon the Government, in the matters of the Customs, by which whole Ships Loadings of Goods were attempted to be put on Shore, without paying the Custom; But this is enough to make it plain, what Occasion there was of a strict and exact Management in this Affair, and consequently of a separate Commission.

The Business of the Customs also in *Scotland*, had been under a Management quite different from that in *England*; the Commissioners found the Trade small, the Officers few, and Discouraged, their Salaries small, and the Extent of the Ports vastly large; So that of that small Business there was in the Nation, much of it was carried on by the Clandestine Management of the Merchant, and tho' the Farmers or Tacksmen did their utmost, with the Officers they had, yet it was impossible to prevent the Running great Quantities of Goods.

If this was a General Practice before, much more was it so now, when the Sweetness of it was Tasted by the Merchants after the Union, when the Duty of Wine and Brandy, was about Five times to Eight times as much as it was before. This added to the Inconveniences the Custom-House at first laboured under, made it impossible to put a stop to the Irregular Practice of the Merchants, the Firths of *Forth* and *Clyde*, are known to be very large, and the whole Kingdom full of Creeks, Coves, Harbours and Bays, that unless a little Army of Officers had been maintained, it was not possible they could easily check the running Goods on Shore, where there was so great a Temptation and Opportunity.

But in order to Rectify this as much as possible, Riding Officers were appointed to Survey the Coast, these were Useful to observe the Officers, that they did their Duty, and withal, to Inform the Commissioners of what happened, to Regulate the Ports, and Direct the fixing Officers in proper places.

These consisted of Four general Riding Surveyors, who dividing the whole Kingdom in proper Districts, had Twelve Riding Officers under them. Three to each Surveyor, these were subject to the Orders and Inspection of the first Four, and all subject to the General Orders of the Commissioners themselves, as they found occasion; Nor did the Commissioners themselves stick, as they found the Service required it, to take a personal Inspection into the Business of the Customs at their first Planting, frequently making long Journeys themselves, to Visit the Coast, and Rectify such Abuses as they found requisite, which tho' not usual, they made no Difficulty to do, at the first Settlement of this nice Branch of the Revenue.

Several Cruising Vessels also & small Boats were built, *For the Custom-House Officers were intirely without them before*, by which they were able

able to Visit and Search Ships as they appeared, at any Time, in the Sea, off of the Ports, or in all the Creeks and Rivers as there was occasion —; for want of which, it was frequently practised, for Ships to appear at a distance, make Signals for their Confederates, who came off in Boats, and so delivered the Goods they designed to Run, before they came into Port; These Boats particularly in the Firth of *Forth*, having the whole Firth to Range in, had their appointed Signals also on the Shores, whereby they never failed to have Notice, if the Officers appeared, and could shift from Port to Port, or from one side of the Firth to the other, till they had a clear Port to Land in; and the Custom-House Officers might have the Satisfaction to stand on the Shore, and look on, but having no Vessel or Boat to go off in, could not prevent the Fraud.

But this was intirely prevented by the Vigilance of the Commissioners, who placed their Cruising Vessels in proper Stations on the Sea, and their several smaller Boats in the Rivers, Creeks and Ports; and these concurred together with the Riding Officers and Surveyors on Shore, who, in their constant Circuits, answered exactly by Land, what the said Vessels did on the Sea —; By the Exactness of this Method, the Affair of the Customs presently came into Form, and Things looked with a new Face in Trade, to the Satisfaction of Fair Traders, and the better Collecting and securing the Duties.

And for the better Explaining the particular Management of the Customs in *Scotland* as to this Point, and giving a Proof of what I have Noted as above, I have added a brief Scheme of the several Stations of the said Cruisers by Sea, their appointed Business, and Original Coasts, together with the Stations of the Riding Officers on Shore, which will be found *Appendix Part 11. N^o. (R x x, S x x.)* and to which the Reader is referred; a Scheme also of the Difference of several Duties before and after the Union, from which the Encouragement for these Disorders were drawn; These you will find *Appendix Part 11. N^o. (T x x, V x x, X x x.)*

I have been the longer on this, as well to give the true Reasons, why it was absolutely necessary to place *English* Officers in *Scotland*, in order to Regulate the Collection, as why it was absolutely necessary to have a distinct Commission in *Scotland*, and this will always hold to be a Reason for such a Method; It being Impracticable, that all the variety of Cases which shall happen there, should be Determined by the Board at *London*, or left to the Arbitrary Decision of single Collectors; And this was one Reason among others, why the Parliament found it necessary, to have a Court of Exchequer Established in *Scotland*, in which all the Seizures, Confiscations, and Pleas between the Merchant and the Custom-House Officers, should be Determined, since it would have been an insupportable Grievance, both to the Queen as well as to the Subject; to the first, to have had such Pleas be Determined in the Ordinary Methods of the Law, And to the second, to have been obliged

obliged to Defend themselves in *England*, whither Witnesses must have been sent, and the Defendants have been bound to have appeared upon every trifling Occasion; Of which by it self.

As the Customs were thus necessarily put under a separate Collection, so was the Excise —; that Branch of the Revenue was not without its Difficulties, and as there would be every day Niceties and Difficulties arising, which no Government could Foresee; So it would have been too great a Neglect of *Scotland*, to have put the Determination of that whole Branch of the Revenue, into the Hands of single Collectors.

Again, the Disputes in the Excise in *England*, being referred wholly to the Justices of the Peace, and at the first settling this Duty, there being no Justices of the Peace settled in *Scotland*, it would too much have Exposed the Subject, to have left them to the Arbitrary Decision of Inferiour Collectors, and too much have Exposed the Government to have left the Queen, without a due Power to have secured the Revenue.

But there was yet other Reasons, which made the Establishing separate Commissions in *Scotland* for the Revenue, as above, to be absolutely necessary, and this was the Eighteenth and Nineteenth Articles of the Union, which appointed the Laws of *Scotland* to remain in Force as they were —; One Consequence of this Article, was, That all the Pleas of the Crown, as well as all Matters of private Right, became Cognoscable only in *Scotland*, and to be Judged by what was before, or was now to be Deem'd, the Law of *Scotland*.

Hence it appeared absolutely necessary, to have Two new Courts Erected in *Scotland*, That is to say, New in Method, tho' not in Name, *viz.* a Court of Admiralty, and a Court of Exchequer; The first to Determine Maritime Disputes, the other, such as related to the Receipt of the Revenue, as Seizures, Forfeitures Penalties, Crown Lands, Leases, Grants, Patents, &c. and whatever Demands the Sovereign had upon the Subjects.

It was expressly stipulated in the Twenty Fourth Article of the Union; *That a Seal in Scotland after the Union be always kept and made use of in all things relating to private Rights or Grants, which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants, Commissions, and private Rights within that Kingdom; And that, until such Seal shall be appointed by Her Majesty, the present Great Seal of Scotland shall be used for such Purposes; And that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter-Seal, and Seals of Courts now used in Scotland be continued.*

By this Clause, all Grants, Patents, Commissions, &c. were necessarily to be past in *Scotland* —; By this Clause also it became necessary, that there should be a distinct Keeper of the Seal, and a distinct Keeper of the Signet in *Scotland*, tho' there was but one Lord Chancellor.

Again, by the Eighteenth Article, it was expressly stipulated; *That the Laws concerning Regulation of Trade, Customs, and such*
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Excises,

Excises, to which Scotland is, by virtue of this Treaty, to be lyable, be the same in Scotland, from and after the Union, as in England; And that all other Laws, in use within the Kingdom of Scotland, do after the Union, and notwithstanding thereof, remain in the same Force as before, (except such as are contrary to, or inconsistent with the Terms of this Treaty) but alterable by the Parliament of Great-Britain, with this Difference betwixt the Laws concerning Publick Right, Policy, and Civil Government, and those which concern private Right; That the Laws which concern publick Right, Policy, and Civil Government, may be made the same throughout the whole united Kingdom; But that no Alteration be made in Laws which concern private Rights, except for evident Utility of the Subjects within Scotland.

This drove the Treaters to the absolute necessity of Forming all those Particulars of the Nineteenth Article, which are but the Explanation of the Eighteenth; That the Court of Session, or Colledge of Justice, do after the Union, and notwithstanding thereof, remain in all time coming within Scotland as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union.

This settled the Laws of private Right; Then the Court of Admiralty comes, as a Consequence of the second Clause, as follows; And that all Admiralty Jurisdictions be under the Lord High Admiral or Commissioners for the Admiralty of Great-Britain for the time being; And that the Court of Admiralty now Established in Scotland be continued, and that all Reviews, Reductions, or Suspensions, of the Sentences in Maritime Cases competent to the Jurisdiction of that Court, remain in the same manner after the Union, as now in Scotland, until the Parliament of Great-Britain shall make such Regulations and Alterations, as shall be judged Expedient for the whole United Kingdom, so as there be always continued in Scotland a Court of Admiralty, such as is in England, for Determination of all Maritime Cases relating to private Rights in Scotland, competent to the Jurisdiction of the Admiralty Court, subject nevertheless to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of Great Britain; And that the Heretable Rights of Admiralty and Vice-Admiralties in Scotland be Reserved to the Respective Proprietors as Rights of Property, subject nevertheless, as to the manner of Exercising such Heretable Rights.

That all Pleas of Right, whether in private Right or Pleas of the Crown, were Cognisable only in Scotland, is proved by the same Article, in the following words; And that no Causes in Scotland be Cognoscable by the Courts of Chancery, Queens-bench, Common-Pleas, or any other Court in Westminster-Hall; and that the said Courts, or any other of the like Nature, after the Union, shall have no Power to Cognosce, Review, or Alter the Acts or Sentences of the Judicatures within Scotland, or to stop the Execution of the same.

The Exchequer as a further Consequence follows next, in these words; And that there be a Court of Exchequer in Scotland after the Union, for Deciding Questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases, as

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the Court of Exchequer has in England ; And that the said Court of Exchequer in Scotland have Power of passing Signatures, Gifts, Tutories, and in other Things, as the Court of Exchequer at present in Scotland hath ; And that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great-Britain in Scotland after the Union.

By these particular Establishments may be seen not only the manner of the publick Management in *Scotland*, but the Reason of it, and from whence it became necessary to have the Court of Exchequer, the Commissions, and the separate Collection of the Publick Revenue settled in *Scotland*, all flowing from this main Original stated in the Treaty, *viz.* That all Causes between the Queen and the Subject are only cognisable in *Scotland*.

According to this Foundation, the Collections for the Customs and Excises were settled in *Scotland* in distinct Commissions, as has been said, and tho' at first the Difficulties in the said Collections appeared great, and some uneasiness on every side began to rise, yet as they principally lay on the backwardness of the Subject to come under a strict Survey as to the Duties, Time wore off these Things, and the People became more sensible of the Necessity of the exact Collection, in order to bring Trade to an Equality.

At the beginning, the People thought every Seizure of prohibited Goods a Violence upon their Properties, and clamoured at the *English* and the Union ; as if the Union had been made not to bring them under good Government, but to leave them without Government. Upon this Notion they fell to running of Brandy in particular at that prodigious Rate, that some thousands of small Casks of Brandy was in spite of all the Vigilance of Officers secretly supposed to be put on Shore out of the first *Dutch* Fleet that came to *Scotland* after the Union ; and when the Officers made Seizure of several Parcels, the Rabble by Violence rescued them again, as is already noted above.

But this Practice was easily suppressed, for not the Government only, but all the fair Merchants were concerned in it, since the running of Goods on Shore, without paying Custom, is a known prejudice to the Merchant, who entering his Goods fairly, and paying large Customs, is by these People under-sold, and the Market forestal'd ; These things therefore began to meet with less Encouragement, and having no Countenance but from the meer Rabble, the frequent Losses they met with, by the activity of the Officers of the Customs by little and little, discouraged the Adventurers, and Trade began to run in it's proper Channel.

The Difficulties of the Excise were of another kind ; Of which by themselves ; And tho' the Rules of the Collecting the Excise, & the Methods of charging the Subject were very exact and regular, yet they were not without great Obstructions in their Work, as has been noted. The first by reason of a Misunderstanding of the Sense of the Article in the Union, settling the Duty of Excise, which having expressed the several Measures, not very exactly, admitted a double Construction as to the Quantity what was to be esteemed the *English*

Barrel: The Commissioners had charged it one way, and the Brewers demanded it another, as follows.

The Act expresses it thus.

VII. *That all the parts of the united Kingdom be for ever and after the Union, Liable to the same Excises upon all exciseable liquors, excepting only that the thirty four Gallons English to the Barrel of Beer or Ale, amounting to Twelve Gallons Scots present measure, sold in Scotland by the Brewer at nine shilling six pence Sterling excluding all Duties, and retailed including Duties on the Retailers profit, at two pence the Scots Pint, or eight part of the Scots Gallon, be not after the Union lyable on account of the present Excise upon Exciseable Liquors in England, to any higher Imposition than two shillings Sterling upon the foresaid thirty four Gallons English Measure being twelve Gallons the present Scots Measure, and that the Excise settled in England on all other Liquors when the Union Commences, take place throughout the whole united Kingdom.*

When the Excise Office came to Charge the Brewer upon this Cause, they could reckon it no otherwise than as in England, by the Gauge of Thirty Four Gallons English to the Barrel; And thus the Brewer stood Charged for some Time.

But the Brewers objected, and sticking to the Letter of the Article demanded, to pay but 2 *sh.* for 12 Scots Gallons, whether it over-run the English 34 Gallons or no.

This occasioned some small Debate, but the Prudence of the Commissioners prevented the Clamour some People would willingly have raised upon it, and the Justices of Peace directing $\frac{1}{2}$ in each Thirty Four Gallons to be allowed, the Brewer for the present left it Undetermined till the Parliament should settle it; And thus the Brewers were made Easie; It is to be observed, to the Honour of the persons employed in the first Settlement of the Excise in Scotland; That considering the Ignorance of the most part of their Officers in the Art of Gauging, and in the new Methods of taking the Worts, and making a Charge, considering the Difficulty of satisfying and convincing the People who were to pay the Duty, that they had no wrong done them, they themselves being unable to examine the Gaugers Accounts, no Duty was ever settled with so little Noise, or with so few Complaints, not one person that ever I could hear of having any Appeal from the Commissioners Sentences, or making any Complaint of Injustice done them; But the Collection went on easie, was collected quietly, paid cheerfully, and visibly improved the Revenue, tho' nothing was paid by the Brewer more than they paid before.

Nor had it been possible to collect this Duty legally, if it had not been so, for the Commissioners of the Excise laboured under another Difficulty which none of the other Branches of the Revenue were troubled with, *viz.* That the Laws of Collection being by the Union to be the same as in England, and the Justices of the Peace being by the Act of Parliament 12. Carol. II. in England made Judges between the Queen and the Subject, in cases of Dispute; from
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the beginning of the Union till about *August* 1708, which was 15 Months, they were without the Assistance of Justices to determine those Disputes.

There was indeed a Nomination of Justices by the Privy Council of *Scotland* 15 *August* 1707, as will appear in its place, and for some few Months they did meet and Act; But this was a new Settlement, and the Gentlemen named were yet young in their Business, little help could be had from them, and which was still worse before they had time to inform themselves, their Power died by the Act of Parliament in *England*, dissolving the Privy Council in *Scotland*. This Act past in the beginning of the first *British* Parliament, and by the Ceasing of that Power, from whence those Justices derived, the Power of the Justices also Ceased; and they were now to receive new Commissions from the Lord Chancellor of *Britain*, as the Justices in *England* also did---; This was not Finished till *August* 1708; so that in all that Time, the Commissioners of the Excise had no legal Authority before whom they could Convict any Offender, or punish any Breach of the Law, or by whom any Case could be Determined.

Yet their Business went on, and no Complaint was heard against their Management, no Appeal made against them, no Difficulties but what they work'd thro', to the general satisfaction.

The Excise as well as Customs in *Scotland* had been Farmed out, or Let in Tack, as they call it, the Tacksmen or Farmers did their best——, for their own Interest; But several Circumstances rendred their Method of Collecting the Excise, unfit to be Imitated, such as their Officers, who were intirely ignorant of the Art of Gauging, making the lengths of the Worts by Guess, & proving Quantities chiefly by the Oaths of the Brewers and the like, which joyned with some other Practices, I care not to mention, exposed both the Collectors and the Brewers to several Inconveniencies, and in General, made the Charge on the Brewer many ways Unequal——; a Thing prejudicial not to the Duty only, but to the Fair Dealer particularly, who always suffers by the Frauds and Connivances of others.

On this account when the first of *May* came, & the Union taking place, the new Duty was to begin, the Government found themselves necessitated to send down a great many Officers into *Scotland*, if possible, to put Things into some Order, and prepare the People for the new Method of Collection——; What Treatment these Officers received in *Scotland*, how ill the People there used them, and how little they were able to do, will best appear by this, That the Government found themselves obliged by Proclamation, to let the Duty go on for some Time in the same Methods, and Collected by the same Officers, till the new Methods could be prepared.

Nor was this all, for tho' the new Commission was formed as soon as possible, for the Commissioners began to Act on the 9th of

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June, yet they had the whole Kingdom to Regulate as to the Collection, all their Officers to Instruct, both as to Method and to Act; The first relating to the Accounts, and the last as to Gauging, not an Officer in the whole Kingdom, understanding the use of the Gauging Rod, as is Noted already, nor the People knowing the Meaning of it.

This makes the Difficulty of Settling the Excise in *Scotland* appear, and indeed who ever considers the manner of Collection before the Union, as before; will Wonder, how it was possible ever to bring the Business into any Order, for the People being most intolerably Averse at first, to the new Regulations, raised innumerable Clamours at the Officers that came from *England*, as Imposing Novelties on them, and confounding their Business——; And here, as well as in the Customs, the Clamour against *Englishmen* being imployed, was laid hold of, but the Conduct of the Commissioners here likewise effectually Answered that Pretence, for no sooner had the Officers, sent by the Commissioners in *England*, as above, done the Work they came about, *viz.* in Directing and Instructing the Officers in *Scotland*, but the greatest part of them were sent back again, and so few *Englishmen* remained in the Excise, that it is not worth Naming.

The Names of the Commissioners as settled after some few Alterations were as follows

Alexander Wetherburn Esquire.

John Montgomery Esquire.

John Whittham Esquire.

David Ross Esquire.

Alexander Forbes Esquire.

Nor was the Duty of Excise as a Revenue without its Discouragements, *as well as the Customs*, the Article of Private Rights, reserved by the Union, had of course brought several Exemptions upon them, some of which have proved very considerable Hindrances to the Duty.

The Commissioners however, Disputed with some of those People who claim'd Exemptions of Duty, and the Debate on those Heads, lay Undetermined before the Barons of Exchequer, at the Writing these Sheets.

Under all these Discouragements, yet the Collection went on, and the Brewers soon became Satisfied with the manner of Charging the Excise, *viz.* by Gauging, as the most Equal, Indifferent, and Undeniably certain; and, as a method no Man could be Wronged by——; Which giving them all an Equality with one another; was very much the Advantage of the Fair Traders——, who always Suffer by the Frauds of Clandestine Dealing.

Nay, this was evident by the Brewers themselves, who differing with the City of *Edinburghs* Assessors, about the Taxes paid to the

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City, endeavoured to have the City Officers, Charge them by the Gauging Rod, as in the Excise, but could not obtain it.

I have insisted upon the Difficulties of settling these Things, to show the World the absolute Necessity, of placing the Collection of the Revenue in *Scotland*, distinct from that in *England*; And also, as a Thing needful, to show by what Steps the several Offices arrived to that Order and Exactness, which they now appeared to be Managed in.

I come now to the Affair of the Equivalent.

The Calculations and Proportions between the Nations, *being the Ground from whence it became payable to Scotland*; I have gone thro' already, as distinctly as I can, in the several Observations on the Minutes of the Treaty, first at *London*, and after, in the Parliament of *Scotland*; We are now come to the payment of it.

The Parliament had Determined, both how it should be Disposed of, and who should Dispose it, *viz.* That the Queen should Name Commissioners to Receive and Issue out the said Money, according to the Terms of the Union; This you have expressly in the Fifteenth Article of the Union, as concluded at *London*, as follows; And it is agreed, That Her Majesty be Impowered to appoint Commissioners, who shall be accountable to the Parliament of Great-Britain, for disposing the said Summe of three hundred, ninety eight thousand, eighty five Pounds, ten Shillings, and all other Moneys which shall arise to Scotland, upon the Agreements aforesaid, to the purposes before-mentioned: Which Commissioners shall be Impowered to call for, Receive, and Dispose of the said Moneys in manner aforesaid, and to inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent may arise; And that the Collectors and Managers of the said Revenues and Duties be obliged to give to the said Commissioners subscribed Authentick Abbreviates of the Produce of such Revenues and Duties arising in their respective Districts; And that the said Commissioners shall have their Office within the Limits of Scotland, and shall, in such Office, keep Books containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the Subjects who shall desire the same.

The Queen, pursuant to this Power, appointed Commissioners for the Management of the Equivalent, and the Money being raised by Parliament, lay ready in the Bank of England.

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The Commissioners Named by the Queen were Twenty Five in Number, as follows ;

Sir Andrew Hume.
 Mr. William Dalrymple of Glenmuir.
 Sir Robert Sinclair of Stevenson.
 Sir Thomas Burnet of Lyes.
 Sir John Areskin of Alva.
 Sir John Swintoun of that Ilk.
 Sir James Campbell of Aberuchil.
 Sir James Smollet of Bonhil.
 Sir Patrick Johnstoun.
 Mr. John Hadden of Glenagis.
 Mr. John Bruce of Kinross.
 Mr. William Seton younger of Pitmedden.
 Mr. John Clark younger of Penniecook.
 Alexander Abercrombie of Glasloch.
 Mungo Grahame of Gorthie.
 Mr. John Pringle of Haining.
 Daniel Campbell.
 Sir John Cope.
 Jacob Reynardson.
 John Bridges. Merchants in London.
 James Houblon.

Commissioners
 of the
 Equivalent.

Sir Francis Grant.
 Baillie of Jerviswood.
 Grahame of Dowgalstoun.
 Douglass of Kelhead.

These did not Accept the
 Business at the first.

The Four Merchants of London were Named, because as Members of the Bank of England, they were required to be present upon the Spot, in order to support the Credit of the Bank, in case any Body had scrupled their Bills ; And indeed there was Occasion sufficient for their being there, as will appear presently.

It was now the beginning of July, and the Money was not yet come away from London ; It would be Endless to Record here, the Scandalous Reflections spread about, of the Delay of Payment, and how the English having secured the main Point, would pay the Money when they pleased, or perhaps never ; and some ran it up to that Height, as to say, That the English Designed to Cheat them of the Money.

Again, another sort of People pretended the Union was broke, because the Money was not paid by the first of May, and there was a Discourse of some Gentlemen, who came up to the Cross of Edinburgh, and Protested in the Name of the whole Scots Nation, That the Conditions of the Treaty being not complied with, and the

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Terms performed, the whole was Void, and Scotland was again Free, when ever an Occasion offered, to lay hold of that Freedom —; That some People were so weak to Talk thus, and that a certain Gentleman was Foolish enough, to make such a Formal Protestation, I have some Reason to believe; But that D.---H--- was the Man, I profess not to know, and believe, that Noble Person to understand the Nature of the Treaty, and the Nature of Protesting also, better than so.

Be it as it will, such Protestation was of no use, neither could it have any Signification, being made purely without Ground, the Treaty having no where Tyed up the Government of England, to have the Money actually in Scotland by such a Day —; Nor was England by the Treaty, under any Obligation to a Day of Payment; But Two Things prescribed the payment, and a Third clears it all most effectually.

1. That by the Custom of England, any payment Contracted for, *sine Die*, becomes a Debt Demander, or payable at Demand; and so the Day being not prefixt in the Articles, the Money became presently due, viz. the first of May, but under no Forfeiture on delay of Days, much less a Dissolution of Articles.

2. But if this Nicety had been insisted on, then it is Answered, That the Money was actually payed by England, being delivered by the Treasury to a certain Number of the Commissioners, appointed for receiving the Equivalent, and this, either upon or before the first of May; And tho' it was not actually come down into Scotland, yet if it was delivered in London, to the proper Persons appointed to receive it, the Government of England was fairly acquitted of the payment —; And this is to be seen by the said Commissioners Receipt in the Exchequer in England, when the Money was paid.

3. But a third Clause shewed all this to be an Insignificant and a most Ignorant Pretence, for the Equivalent was actually paid, and made good to Scotland, before the Treaty was concluded, and it was expressly stipulated so to be Ordered, in the Fifteenth Article, in these words; *It is agreed, that Scotland shall have an Equivalent for what the Subjects thereof shall be so charged towards payment of the said Debts of England, in all particulars whatsoever, in manner following, viz. That before the Union of the said Kingdoms, the Summe of three hundred, ninety eight thousand and eighty five pound ten shillings be granted to Her Majesty by the Parliament of England, for the Uses after-mentioned, being the Equivalent, to be answered to Scotland for such parts of the said Customs and Excises upon all Exciseable Liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the payment of the said Debts of England, according to the Proportions which the present Customs in Scotland, being Thirty thousand Pounds per Annum, do bear to the Customs in England, computed at one Million, three hundred, forty one thousand, five hundred and fifty nine Pounds per Annum: And which the present Excises on Exciseable Liquors in Scotland, being thirty three thousand and*

five hundred Pounds per Annum, do bear to the Excises on Exciseable Liquors in England, computed at nine hundred, forty seven thousand, six hundred and two Pounds per Annum; Which Summe of three hundred, ninety eight thousand, eighty five Pounds, ten Shillings, shall be due and payable from the time of the Union;

It is evident from this Article, That the Security Demanded by Scotland, for the payment of this Money, was, *That the Parliament of England should raise the Sum agreed, and should grant it to Her Majesty, for the Uses in that Fifteenth Article Expressed*, That is in short, *That the Parliament should grant to Her Majesty such a Sum of Money, and appropriate it to the payment of the Equivalent*——; This really was payment, and was so Accepted, and the Money being Granted to the Queen, was nothing but as a Deposite in a Third Hand, till the Ratification of the Treaty should pass in Scotland, and be Confirmed in England, or till the Union should take place, WHEN, AND AS SOON AS that was done, the Money was actually the Right, the proper Goods of the Scots, and the Government of England could not have kept it back, no tho' the Treaty had been afterward Dissolved, or broken; So that the Objection against the payment of the Equivalent, *in Time*, Dyes, and falls to the Ground, in this, That it was actually payed by England before the Union began, and plac'd in such Hands as a Trust, to be at the Demand of the Scots, as soon as the Union took place, *Due and payable from the Time of the Union*, are the Words of the Article——; As soon therefore as the Union took place, the Treasury of England became Debitor to Scotland, for such a Sum of Money——; But the Parliament of England, with whom the Treaty was made, were Discharged of the Payment, as soon as ever the Act of Appropriation was past in the House.

This, I think, is clear, and admits of no Dispute, but it shows the Weakness of those People, that promised themselves any thing from the delay of the Money coming into Scotland——; Nor did their Error cease here, for when the Money came, they were not at all better pleased, but raised new Clamours at the Union——, and really went to that Height in their Reproaches, that it seemed as if they had yet latent Expectations of raising a new Tumult.

It was indeed something remarkable here, and not a few People took notice of it, That the very same People, who just before Exclaimed at the English, for not paying the Money, and cried out they were Cheated, and the Union broken, were the same——, who, when the Money came, made as much Noise on the other hand of being Bought and Sold, & that Money being the Price of their Countrey.

The Violence of this Temper appearing so openly, I can not be counted partial in giving a true Account of it, since I could not be Faithful to the Matters of Fact, if I Omitted it.

On the Day of August the Money came to Edinburgh, in Twelve Waggon, Guarded by a Party of Scots Dragoons, and was carried directly to the Castle; If I omit to enter into the De-

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tail of the Reproaches and Railings at the poor Innocent People that brought it, nay, at the very Horses that drew the Carriages, it is, because it was a Folly below Reproof, and rather deserves Pity.

If I omit Naming a known Person, in no concealed Station, who was for having the Dragoons that Guarded it, Hanged for bringing it in —; And being asked, What he would have the poor Men do with it? Answered, They should have cut all them that brought it to pieces, and kept the Money from coming into the Countrey: If I omit Naming this Gentleman, it is in respect to his Character, and in hopes he may live to be Wiser, and to acknowledge his inconsiderate Rashness.

The Waggon, as is Noted, were driven directly to the Castle, and the Money Lodged there, to be issued in its Course —; The People set on by proper Engines, shewed their Dissatisfaction at first, by rudely Stoning the poor Carters and Drivers, and Two or Three were very much hurt by Stones, as they came back with their Horses from the Castle.

But this was but the Remains of the Tumultuous Temper, we have been taking Notice of before, and the poor Ignorant People Acting only from outward appearances, without Consideration —, grew Calm again of course —; Nor among the most Malecontent persons could I ever find any, that when the Money upon the *African* Stock came to be paid, would think the *Species* Unhallowed, enough to refuse their share of it.

As soon as the Money was Arrived, the Commissioners for the Equivalent began to Sit, and immediately applied themselves to the Distribution of it according to the Terms of the Treaty —; And having set a parta due Proportion for the Expence of the Coinage, they went immediately to Work with the *African* Stock, and began to pay off.

Yet I must not Omit a Difficulty here, that had almost put the Affair to a full stop for a while —, and this was from the *Species* of the Money they had brought; The Case was as follows.

The Bank of *England* had that year, upon an Advance of a Sum of Money to the Government, received 1200000 *lib.* or thereabouts, in Exchequer Bills —, which being made Current by the Credit, both of the Government in publick, and after by the Bank in particular, they presumed would pass in payment, as common paper Credit usually did in *London*, without Interest, being always payable at demand by the Bank in *London*, this they expected should go down without any Difficulty in *Scotland*.

But the Bank seemed under some Mistake as to the Extent of their Reputation, or at least as to the Circumstances of *Scotland*, when they proposed the putting off these Exchequer Bills there.

However, they ventur'd, and sending only 100000 *lib.* in ready Money, in the Waggon mentioned before, the other 298085 *lib.* 10 *shillings* —, was sent down in this Paper Credit or Exchequer Bills.

This raised a new Clamour in *Scotland*, and abundance of People run away with it, that the *English* Trick'd them; that they had sent them Paper in stead of Money, that the great Argument formerly used to perswade *Scotland* to the Union, to take upon them a share of the Burden of the *English* Debts, and to accept of an Equivalent, was the great Advantage that should accrue to *Scotland*, by the Circulating of so much ready Money in the Nation —; And that now they were to be put off with Bills payable 200 Miles off, and which if Lost or Mislaid, or by Accident Burnt, were Irrecoverable.

The Truth is, The Bank of *England* took a wrong step here —; For *First*, They ventured upon *Scotland* with their Bills in stead of Money, without Consulting either the Temper or the Circumstances of *Scotland* at that Time.

Had they Corresponded with the Bank of *Scotland*. and obtained of the said Bank to Circulate their Bills, either by their own Credit or Cash, had they Established any running Cash in *Scotland* for the Circulation, where they should have been Received and Issued on Occasion, they had come off better —; Or had the Bills had running Interest upon them, that those People who laid them up, might have had an Increase upon them as they lay by, there had been some Reason to expect they might have past.

But the Bank had Ingrossed the Interest paid on the Bills by the Government, and then sent them Naked into the World, to Run purely on the Credit of their Fund, without any Interest running upon them. This, and considering *Scotland*, a Place not yet of a great In-land Commerce, in which alone such Bills are capable of being made Current, made it very improbable, that their Bills should pass in *Scotland*; This Mistake the Commissioners themselves saw, as soon as they came to *Scotland* —; And therefore immediately sent away to *England* for 50000 *lib. sterling* more in Gold —; Nor had this been able to have carried them thorow the Payment, had not the Commissioners, very prudently taken all the Exchequer Bills that any One brought them, and given Bills of Exchange for them payable in *London* —.

When the Commissioners found how it was —, they saw no Remedy, but to Declare, That tho' they had brought Exchequer Bills down, in order to supply the deficiency of Bullion, which was then scarce enough in *England*, yet that no body should be obliged to take them without their Consent, nor should any body be refused payment as they came in their Order; And as a certain Great Person began with them, as some thought, by way of Experiment, and having a Demand for 4 or 5000 *lib.* upon the *African* Stock, refused to take any of the said Bills, the Commissioners immediately Ordered it all to be paid in *Specie*.

This, and a constant Currency of Payment, began to raise them some Reputation, and some who were Friends to the Government, and saw the Exigence of the present case, accepted of Exchequer Bills for large Sums: Others would take half Money, half Bills —;

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And others that came for their Money before their Turn came, yet had it offered them if they would take Bills, still preserving this Point Sacred, that no body was refused his payment in course, in Money, if he insisted on it; Thus, with a great deal of Difficulty, at last they work'd thorow the payment of the *African* Stock — ; The Bills went all away to *England* so directly, that in six Months time there was not one to be seen.

So the Main End of the Bank, viz. The Circulation of these Bills in Trade, as a paper Credit, was quite Lost, which, had the Interest been runing upon them, would have been easie, and readily complied with.

However, it was at last contrary to Expectation, concluded, and the whole *African* Stock being paid off, that Company Dissolved and Died.

The next Affair was the Settlement of Justice in *Scotland* — ; And this suffering some Alteration, it is needful to give a true Account of it according to my Title.

It had been stipulated by the Eighteenth and Nineteenth Articles, That all other Laws, in use within the Kingdom of *Scotland*, do after the Union, and notwithstanding thereof, remain in the same Force as before (except such as are contrary to, or inconsistent with the Terms of this Treaty) but alterable by the Parliament of Great-Britain, with this Difference betwixt the Laws concerning Publick Right, Policy, and Civil Government, and those which concern private Right; That the Laws which concern publick Right, Policy, and Civil Government, may be made the same throughout the whole United Kingdom; But that no Alteration be made in Laws which concern private Right, except for evident Utility of the Subjects within *Scotland*.

That the Court of Session, or Colledge of Justice, do after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations for the better Administration of Justice, as shall be made by the Parliament of Great-Britain; And that the Court of Justiciary do also after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations as shall be made by the Parliament of Great-Britain, and without prejudice of other Rights of Justiciary.

These Clauses preserved the ordinary Process of Law in Case of private Right, in the same Course and Condition as before; but all Pleas of the Crown, Matters of Dispute between the Queen and the Subject, relating to the Revenue, and Trade, being to be the same as in *England*; For that Reason, there were necessary Alterations to be made in the Methods, and even new Models of Proceedings to be Formed, special to *Scotland*.

And First of the Civil Peace.

The several Branches of the Revenue, depending much upon the Execution of petty Justice, and particularly the Excise, in which the Justices of Peace are in most Cases, the Judges between the Brewer and the Collector; In this case, it was Necessary to Renew the Model formerly used, and taken from *England*, viz. Of Justices, Constables, Headboroughs, &c. And this not only for the Deciding Differences in the Duties, but in Forcible Entries, Executing Warrants, Apprehending Offenders, and the like; In which Cases Constables and other Officers are necessary, both to preserve the Peace, to Assist in searching Houses, and in Executing the respective Warrants of the said Justices of the Peace.

This, I say, made it absolutely Necessary, to Establish the same Method of Civil Justice in *Scotland*, as in *England*, viz. by Justices of the Peace, Constables, &c. Which at that Time was not in use in the whole Countrey.

It had indeed been formerly attempted in *Scotland*, and there were some Acts of Parliament then in Force, for the making Justices of the Peace in *Scotland*, as in *England*, particularly the 12th. Act of the first Parl. Carol. 2. anno 1661, and again by the 38th. Act of the same Parliament —; And these Acts are Recited again in the Proclamation for Erecting new Justices at this Time, which Proclamation leaving out the Names of the Persons as Useless and Tedious, I have annexed in the *Appendix* N^o F (3).

Upon the *Revolution*, this Method of Governing by Justices, however useful in its kind, yet as having been Negligently or Arbitrarily made use of in the former Times, was laid aside, and the Government of *Scotland* lay as it had usually done, too much in the absolute Disposition of the Heretable Magistrates, such as Sheriffs of Counties, Steuarts of Stewartries, and such Right as the Superiorities and Usages of Places gave to the Lairds; A Constitution not at all Calculated for the Liberty of *Scotland*, or the increase of the Happiness of the People.

Upon the Settling the Customs and Excise, as above, it became, I say, necessary to restore the former Model of petty Justice, as per the Proclamation before Named, was done at this Time, and accordingly Justices of the Peace and Constables were Erected all over *Scotland* —; But this received another Interruption as a Consequence of the Union, which put a stop to all the Civil Administration for a Time, as follows.

By the Nineteenth Article of the Union, the Affair of the Privy Council in *Scotland* was left thus.

“ And that after the Union, the Queens Majesty and Her Royal Successors, may continue a Privy Council in *Scotland*, for preserving of publick Peace and Order, until the Parliament of Great-Britain shall think fit to alter it, or Establish any other effectual Method for that end.

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As soon as the Parliament of *Great-Britain* met; and began to Enquire into the Matter, they found the very Nature of a Privy Council in *Scotland*, but especially the Manner, of *their Privy Councils*, so inconsistent with the Treaty of Union, and above all, with the Liberty of the Subject, that they effectually Dissolved it, and Voted, that there should be but one Privy Council in *Britain*.

I know this Act was opposed by several sorts of People —, and Complaint was made after its Dissolution, That *Scotland* was left without any Form of Government; some others Complained from another principle, of which I need say nothing here.

The Ministers of State also opposed it a little, but no further, than as they thought Things were not Ripe in *Scotland*, for so sudden a Dissolution of the Face of Power among them, and therefore would have had it continued for some certain limited Time only, and that with such Limitations of Authority, as might be Regulated by Parliament —; But it was thought both Burdensome and Dangerous, and indeed the Council in *Scotland* Acting Arbitrarily, had given the Lovers of Liberty such an Aversion to them, that they could not hear of it; And so after some Struggle, the Council was Dissolved by Act of Parliament.

This is mentioned here, because of the Interruption given by the Accident of this Dissolution, to the Course of petty Justice, as aforesaid; for now all the Commissions of the Peace Ceased, being Granted by the said Privy Council, and by the new Establishment of the Council which was now to be called *The Council of Great-Britain*, and which was to have the same Powers, and no other, which the Council of *England* had before; The Commissions of the Peace could no more be Given by the Council, but by the Lord Chancellor; The Commissions therefore Terminated, and the new Method of Administration met with an Interruption of several Months, but was Restored again by a general Commission of the Peace, under the Great Seal of *Britain*, Nominating Justices of the Peace thro' all *Scotland*, conform to the Method of *England*; This Commission bears Date the 13 Day of *May Anno 1708*. And on this Foot the whole Island now stands in one Form of Administration, as to petty Justice, and therefore this Act is called, *An Act for rendering the Union more compleat*; Which Act for the more particular understanding this Affair, I have added in the *Appendix*, N^o. (H. 3.) But here it is to be observed, That tho' this Act gives Power to all the Justices of the Peace in *Scotland*, to Do, Use, and Exercise over all Persons within their several Bounds, whatever doth appertain to the Office, and Trust of a Justice of Peace, by virtue of the Laws in *England* before the Union, in Relation to or for the Preservation of the Publick Peace; Yet it is provided, That in all the Sessions of the Peace, they are prescribed to the Methods of Tryal and Judgment, according to the Laws of *Scotland*.

This I Note here, because some would have suggested, That this Erecting of Courts of petty Justice, For such the several Sessions of the Justices properly are in *Scotland*, & Giving them Authorities from the Laws

and Usage of *England*, was an Invasion of the Nineteenth Article of the Union —, but it was clear otherwise, for tho' in the Publick Peace their Methods were the same as in *England*, yet it is observable;

1. That very Clause was Enacted in *Scotland*, in the several Acts of Parliament of 1661, recited in the Commission, and never Rescinded in *Scotland*; And by the Union those Acts are of course Confirmed, not being any way inconsistent with or contradicting the Treaty.

2. Had it not been so, the Thing it self had been no way Injurious to the Treaty of Union, the Methods of Tryal, Judgment, and Execution, being as above, prescribed by the Laws of *Scotland*, and to continue in the same Form as before.

And this will more particularly appear, in Reading the very Nature and Form of the Commissions of the Peace Granted by the Queen, to the respective Counties or Shires in *Scotland*, One of which, viz. for the Shire of *Edinburgh*; For the more especial understanding this Matter, I have annexed in the *Appendix*, part II. Numb. (G. 3.)

I might have entred here upon the Differences of Proceedings in the several new Established Courts of Justice, as of the Exchequer, and Admiralty, and the General and petty Sessions of the Justices —; But these Things seem not the proper Subject of a History, so I wave them here; The latter part also being very well performed to my hand, I mean, relating to the Proceedings and Office of a Justice of the Peace in *Scotland*, by the Ingenious Hand of Mr. *William Forbes* Advocate in *Scotland*; To which I refer the Reader.

There was an Alteration in Matters of Justiciary, as it is called in *Scotland* —; That is, of Criminal Process; For whereas this was wholly left to a certain Court, consisting of Five Judges, who were therefore called, *The Lords of the Justiciary*, and that their Court was holden only at *Edinburgh*, it was considered, that this was too great an Interruption of Justice, and often times occasioned the neglect of Prosecution, as well as made that Prosecution both Difficult and Chargeable to the Subject, by which means Thefts, Violences, and sometimes Murders escaped due Punishment, the Parliament Determined by the same Act of Parliament, as before, That the Lords of the Justiciary should divide the Kingdom into Circuits, and that these Circuits should be Twice a Year —, that thus Justice might, as in *England*, be carried Home to every Mans Door, and all the Former Inconveniencies might be for the future avoided.

The Manner, Methods, and other Circumstances, such as Time, Place, &c. Since they were nothing at all Altered, the Act of Parliament referring wholly to a former Law, made in the 3d. Session of the 2d. Parliament of King *Charles II.* came not under the Head

of Alterations which I am now upon, and consequently need not be inserted.

I might bring the Alterations of Elections of Members for Parliament into this Head, as well of the Lords as Commons; But it requires nothing, but to repeat the very Articles of the Union again; And I think it is so expressly set down there, that it needs no Comment at all, being nothing but meer Matter of Form; But as there required some Addition to the Manner of the Returning of Writs, and of the Managing Elections, you will find them in the same Act of Parliament last quoted, and printed in the *Appendix* as above —, all that Matter being fully determined in this Act —.

The Matter of the Exchequer Court now erected, needs no other Description than this, That it is erected in the same Form, and proceeds by the same Method as in *England*, having Barons, a Remembrancer, Treasurer, and all the respective Clerks and Offices as in *England*.

The First Barons were as follows,

The Earl of *Seafeld* formerly Lord Chancellor of *Scotland*
 Lord Chief Baron,
 Mr. Baron *Clark*,
 Mr. Baron *Maitland*,
 Mr. Baron *Smith*,
 Mr. Baron *Scroop*.

The Admiralty Court in *Scotland* remained, and the Earl of *Weemyss*, who was before Lord Admiral in *Scotland*, was now made Vice-Admiral, by Commission under the Prince of *Denmark* Lord High Admiral of *Britain*, and was, at the same time, nominated a Member of the Princes Council in *England*.

The Inferior Courts of Judicature in the Admiralty remained as before, suffering no Alteration in Form, save that what related to the Publick Revenue, or the Claims of the Sovereign, began to be modelled as in *England*, agreeable to the 18th. and 19th. Articles of the Union.

Thus the Law in *Scotland* remained intire, the Procefs in Common Causes being the same, and the Alterations being confined, as per the Treaty, to the Established Methods of *Scotland*.

I come now to the Coyn; And tho' this has been a Thing of great Consequence, yet it requires little more to be said to it, than just that it suffered a general Revolution; And that all the former Coyns of *Scotland*, as well as the Foreign *Species* of Money which went current in *Scotland*, the *English* Money excepted, was Called in and Recoyned, the *English* Money being only to pass current.

But there was a Difficulty which I have noted in the Minutes gave them some Trouble, *viz*: That the *English* Money, which went for one Penny in every Shilling Advance, should be reduced to a *Par*, that the Loss should be made good by the Government; and yet the *English* not bring in great Quantities to *Scotland*, to be offered to the Mint at one Penny per Shilling, and immediately received again with an Allowance of the Difference: To prevent

this, that Contrivance was found out, to bring in all the *English* Money at one certain Day, and receive it out again with an Allowance for the Difference —; This occasioned the Proclamation for the Alteration, that all the Money should be paid in on a short Day, and immediately returned with Notes for the Difference; This Proclamation, as it expresses the whole Scheme, I have added in the *Appendix*, N^o. I; Which, tho' it be a long Proclamation, yet, as it may be a Precedent in like Cases, I have set down for general Information.

The several Proclamations for the gradual Calling in the Old Money, are too many to note here; It may suffice to hint, That, as the Foreign Money being brought in, which amounted to above 150000 Pounds *Sterling*; And this going into the Mint, the New Coyn began to Circulate very speedily; And, at the Writing these Sheets, the whole Nation was full of New Money.

The several Denominations of Money before the Union in *Scotland*, I mean not of Old Obsolete Coyns, but such as were now current, were as follows,

The Bodle or Turner, six of which goes to a Penny	} These were all of Cop- per.
The Half-penny or Baubee, two to a Penny	
The <i>Irish</i> Half-penny and <i>French</i> Doits had pass'd, but were cryed down by A& of Council.	

The Silver Coyn was,

Foreign such as	{	The Ducatoon of several Coyns which pass'd at 6 <i>sh</i> . 2 <i>d</i> . they had pass'd at 5 <i>sh</i> . 10 <i>d</i> . but were raised by an A& of Council to 6 <i>sh</i> . 2 <i>d</i> . which caused great Quantities to be brought in.
		The Dollar — of several Coyns, went formerly at 4 <i>sh</i> . 8 <i>d</i> . were raised up to 4 <i>sh</i> . 10 <i>d</i> . each —; And Four Sorts, <i>viz</i> . The Bank Dollar, the Wild Horse, the Castle, and the Wild Man Dollars, were, by the same A& of Council, raised to Crowns.
		The <i>French</i> Crown had formerly pass'd for 56 <i>d</i> . but was also raised to 58.
		The <i>French</i> Quarter Pieces which pass'd for 3 <i>d</i> . each.

English Coyn	{	Broad Gold of <i>England</i> generally pass'd, <i>Jacobus</i> at 27 <i>sh</i> . — and <i>Carolus</i> at 25 <i>sh</i> .
		The Guinea Gold pass'd at the Revolution at 22 <i>sh</i> . each, but were raised without any Publick Authority or Rule, only by the Circumstances of Trade to 23 <i>sh</i> . 8 <i>d</i> . — This was the Reason why, when the Coyn was Called in, and the Price of this Reduced, the Government made no Allowance on the Gold.
		The <i>English</i> Silver Coyn pass'd by A& of Council at one Penny per Shilling Advance.

Old

Old Crowns of King *James's* and Queen *Mary's* —, which pass'd for Crowns; but very few of them were to be seen.

Old Mark Pieces, called Old Fourteens.

*Domestick
Coyn*

New Mark Pieces, called also Fourteens, the last Coined in *Cha. I.* and *Cha. II.* Time; with Doubles of the last, called Two Marks, after raised to Half Dollars; and Four Marks, raised also in Proportion —, with half Pieces at 7 *d.* and Quarters at 3 *d.* $\frac{1}{2}$.

New Milled Money of King *William's* Coyn of several Values,

As Crowns and half Crowns.

Fourty Pence, Twenty Pence, Ten Pence, and Five Pence Pieces.

There was, at this time, no *Scots* Gold Coyn current, or to be seen, except a few preserved for Antiquity.

There were several *Species* of *Scots* Money that had been current; and of which several Remainders were to be found —; But the Quantities were so small, that I do not place them among the current Coyn.

It is enough to say, that all sorts were called in by the Treaty; and no Money made current by the Government; but the *English* or *British* Coyn.

I need not Record the Days and Times, when and how long every particular *Species* were permitted to pass; 'Tis enough to say; the Prudence of the Government so ordered it, that the People felt no Miss, or Want of the current Money; And the Thing was done so gradually; that the New Money was Circulating, before the Old was Called in.

This was done thus —; First the *English* Money was reduced, as has been observed, by Proclamation —; Then the Foreign Money was brought in; And this being a much greater Quantity than was expected, the Mint immediately fell to Work with it —; And this, joyned to the Money brought down for the Equivalent, furnish'd above 200000 *l.* in Silver Money, besides what *English* Money was in the Countrey before; So that the New Money was dispers'd in every Corner of the Nation insensibly, and the Old went off gradually, without any Interruption to Business —; And at the Writing these Sheets, the last, *viz.* The *Scots* Milled Money was yet passing, but appointed to come into the Mint by a certain Day; There were several Proclamations for this; and several Days appointed; I have added only one in the *Appendix*, to let the Reader into the Method settled for this purpose; which terminated the Currency of the *Scots* Money to the 25th. of February 1707; But even that Time was lengthened afterwards; and the *Scots* Money suffered to pass again till the latter end of September 1708 —; And thus by Degrees the *English* Coyn prevailed;

vailed, and is now the only current Coyn of the Nation. This Proclamation is marked in the *Appendix*, N°. K 3.

I cannot say so much for the New Regulations of Weights and Measures, in which, tho' appointed by the Union to be made the same, little Progress could be made at the Writing of these Accounts, save that the Publick Business of the Custom-House was all settled by the Weights and Measures of *England*; But Custom had so inured the People to the former Weights and Measures, especially the Weights for their Retailing Goods, and the Measures for Corn, that it was impossible to bring the Change about so soon; Time alone can bring it to the Issue designed.

Nor is the reducing the Measures to an Uniform Standart so absolutely necessary, as that we should think the Union Defective for want of it; Since the Measures, especially that which we call *Dry Measure*, as of *Corn and Fruit*, is at this time various almost all over *England* —; As particularly in the North, the *Boll* remains a received Measure in *Northumberland* and *Cumberland*, in the West, as in *Cornwal* and *Devonshire*, the Bushel is almost two Bushels of the common Measure —; Even the *Winchester* Bushel, which is the Standart of Measure in *England*, varies, and in some places it contains eight Gallons, in others nine Gallons, in some places they have one to the Score thrown into the Measure, in other places not —; Again, in Liquid Measure we have the Quart of two kinds for several Liquors, as the Wine Quart and the *Winchester* Quart, we have the Pottle and Gallon for dry Measure, the Pint and thence up to the Gallon of Liquid Measure; in Coals we have what is called the Chalder at *Newcastle*, and the Chalder at *London*, and the differing Chalder in several differing parts —; At *London* the Chalder is 36 Bushels, at *Sandwich* 32, at *Lym* 40, at *Newcastle* 70 Bushels; So, tho' the Measures of Corn and Liquors should have their Variations in *Scotland*, according to the old Customs and Usage of Towns, Counties, and Manners, yet this does not at all render the Union incompleat; Since the reducing the Weights and Measures to an equal Standart in the Publick Accounts, such as in the Customs, Tolls, Excises, Publick Receipts and Payments, and the like, is as effectual an Equality as is needful; And indeed is as much as was intended by the Union, no Act of Parliament, Law, or Statute that can be made, being able to oblige the Countrey People in every place to leave off their wonted Calculations and Denominations of Things, which are frequently made upon the Foot of their Ancient Customs; For Example, as before, the Valuation of Lands, Tenor of Leases, the Rents, the Entails, Rent-Charges, Liferents, and Payments for, or out of Land Revenue, are all reckoned in *Scotland* by the Chalder, Boll, Firlok, and Lippy, and cannot be altered; Even Marriage Settlements and Entails are entered in this manner; And it would run *Scotland* into all manner of Confusion, to oblige them at once to leave off all the Terms, by which their Lands are known Valued, Mortgaged, Entailed, Charged or Conveyed.

I think we have thus gently touch'd at all the Alterations of Moment which were made in the Laws, Trade, Custom and Constitution of *Scotland*, according to my Title; But lest it may be thought, That these Alterations ly too much disperfed up and down this Book, in the Relation of particular Cafes, I shall endeavour to sum them up in the following Abridgement.

First, As to the Constitution, tho' last named —, I conceive it suffered some Alteration, tho' not, as was alledged by some, an intire Dissolution —; It was not dissolved, because the Government by King and Parliament continued the same, *viz.* A Limited Monarchy; It received no Diminution, but an Addition of Privileges and Liberties; And had the *Scots* thought fit to have gone a little further, and made Provision for Transferring their Superiorities, they might have at last come to an intire Enjoyment of that same Liberty that *England* is now so happy in —; However, tho' the Constitution received no Dissolution, yet it is acknowledged, that it suffered Alterations in several Articles, of which these are the principal.

1. That tho the Monarchy is the same, yet that they become Incorporated into one Monarchy with their Neighbour Kingdom, subjected for ever to the same Sovereign, and engaged in War, Peace, Alliances and Succession with them; So that they can no more act in their separate Capacity, in any Thing relating to Government or Constitution.

2. They suffer Alterations in their Representative——, and these consist in Two Branches; *First*, That the Number of their Representative is reduced to 45. *Secondly*, That the Elections pass under a new Regulation, and are managed by a different Method. And, *Thirdly*, That they Sit not any more in Parliament by themselves, but in Conjunction with the *English* Parliament, Representing the several Counties and Corporations, as Members of the United Kingdom of *Great Britain*.

3. The Hereditary Branch of Parliament, I mean the Peers, suffer also an Alteration, being changed from a full Appearance in Parliament to a Representative Appearance, and that Representative Limited to the Number of Sixteen.

4. Their Regal Administration suffers an Alteration; The Sovereign, who before executed the Civil Power in a separate Capacity, being now obliged to change the Face of that Administration into an United Management, Governing now by One Parliament, One Privy Council, One High Admiral, One Chancery, One Treasury —; And, in short, One general OEconomy of Government —; Thus the several distinct Offices of Admiral, Chancellor, Treasurer, Secretaries of State, and President of Privy Council, sunk in either Kingdom, and New Commissions were issued —; As One Privy Council, and One President, under the Title of Lord President of the Privy Council of *Britain*, Lord High Chancellor of *Britain*, Lord High Treasurer of *Britain*, Lord High Admiral

ral of *Britain*, and the like, and which I close all with, the Queen her self lays down her separate Titles, and is now no more Queen of *England*, *Scotland*, &c. But Queen of *Great Britain*, and is called in Missives, and in Foreign Accounts, Her *Britannick* Majesty — ; Her Troops are no more *English* and *Scots*, but *British* Forces — ; And the Arms of the Island are a new Incorporated and Quartered together — , as appears at large in the foregoing Sheets.

This, I think, is the Sum of the principal Alterations in the Constitution of *Scotland* by the Union ; In all which, except that of the Parliament, the Commons being reduced in Number, and the Lords by Representative ; I say, in all the rest, *England* suffered the same Alterations as *Scotland*, such as dissolving her Parliament, her Name as a Kingdom, her Council, Great Offices, and Title of her Sovereign — ; And all things began *de novo* in both Kingdoms, under the single Denomination of *Britain* and *British*.

The second Head of Alterations is that of the Laws ; And this is so particularly entered into in the beginning of this very Part of my Work, that I need be but very short.

1. The Laws of Government continue as the Government continues establish'd in the Claim of Right, I mean as to the Limitations of Government and Obedience ; Nor has *Scotland* suffered any Loss, but rather been a manifest Gainer in this Point by the Union ; The Privy Council Tyranny being abolish'd, who had arrived to that Height in *Scotland*, as to give their Acts almost of an equal Authority to Acts of Parliament — ; A Power wholly disclaimed by the Privy Council in *England*, to whose Powers and Authorities the present Council of *Britain* is by Parliament expressly Limited and Confined.

2. The Laws of Private Right have suffered no Alteration, other than as Private Right may be intermix'd with that of the Crown — ; But all the Laws of Publick Right, such as relate to Customs and Excises, have suffered the Alterations mentioned in the Union, a Court of Exchequer being establish'd in *Scotland* for that purpose ; And this was necessary, as has been noted, because of the Alterations necessary in the Revenue, and in the respective Methods of Ascertaining and Collecting the Customs, Excises, &c. due to the Crown ; And in this Clause may be included the several Laws for Penalties, Fines, Forfeitures, and Confiscations, upon the particular Trespasses of the Laws relating to Customs and Excise, which were wholly new — .

3. The Governing Laws relating to the Civil Peace have suffered some Alteration, as to what was just before the Union by the Erecting Justices of the Peace ; But this seems a Restoring what was before, rather than an Alteration of what was, since it was nothing but what was actually put in Practice twice

twice before, and what there were Laws then in Being to justify their Return. So all the Alterations that seem to be made now, were, *First*, Only that the Justices of Peace formerly had their Commission from the Privy Council in *Scotland*, but now received it from the Lord Chancellor of *Britain* —; And, *Secondly*, That the Justices of Peace had some new Powers vested in them since the Union, which they had not before, such as determining Disputes in the Duty of Excise, giving Power of Distress for Payment, Warrants of Forcible Entries, in case of Concealments of Customs, and the like.

All the rest of the Laws of *Scotland* remained the same per the Union; The Circuits of the Lords of the Justiciary I take also to be no Innovation at all, as what had formerly been practised.

I come now to Alterations of Trade; And these can receive but a very short Description here, because the greatest Alterations which happened in Trade, could not follow the Union so close at the Heels, as the Time of the Writing these Sheets require to relate it; But such as were immediately the Consequence of the Union, were such as these,

1. A general Prohibition and Stop of Commerce with *France*; which, till now, *Scotland* publicly carried on.

2. A Prohibition of all Exports and Imports as in *England*; And by virtue of that Clause, a particular Prohibition of the Exportation of Wool, which was, till then, publicly allowed in *Scotland*, and which, tho' People seemed at first very uneasy at, yet was, without Doubt, very much for the Publick Advantage of *Scotland*, whose Manufactures were thereby quite sunk as to Exportation —; This Article was attended with Penalties and Forfeitures particular, and such as were not practised in *Scotland*, and for which the Laws of Excise and Customs in *England* were introduced, and the Trials on which were brought on, either before the Justices of Peace, or Court of Exchequer, as above.

3. Whereas *Scotland* had, before this, prohibited all the *English* Woollen Manufactures, under severe Penalties, and *England*, on the other Hand, had excluded the *Scots* from Trading with *Scots* Ships to their Colonies in *America*, directly from *Scotland*, and had Confiscated even their own *English* Ships Trading to the said Colonies from *England*, if Navigated or Manned with above one Third *Scots* Seamen, had laid Tolls and heavy Imposts upon Cattel and Linen Imported into *England* from *Scotland*, and had prohibited the Exportation of Corn from *England* to *Scotland*, tho' the Occasion of it might be never so great, but on the same Conditions, and under the same Restrictions as to other Countries; Now, by the Union, all these Prohibitions, Restraints, Tolls, Imposts, and Exclusions on either Hand, were taken off; The *English* Growth and Manufactures, formerly prohibited, came immediately, free of all Interruptions into *Scotland*; All the Tolls and Imposts

posts upon *Scots* Cattel, Linen, or other Goods in *England*, were taken off; All the Ports of *England*, whether in *Europe* or *America*, were open to *Scots* Ships, without any Imposts or Restraint; *Scots* Sailers in *English* Bottoms were immediately free, and Ships from the *English* Colonies might Sail to, and Unlade free in *Scotland*, without any Obstruction.

These I call Alterations in the Laws of Trade; Besides which, there were some particular Alterations which relate to the Drawbacks, Bounties, and Allowances on the Exportation, and for Encouragement of the Exportation of Fish, Corn, Pork, &c. Of which I need say nothing, having been very particular already in the Relation of the Debates upon those Heads in Parliament.

The Consequences of these Things upon Trade are at present few, but will necessarily be far greater hereafter —; The first visible Consequence was the Rise and Fall of several kinds of Merchandizes, as the new Alterations, Prohibitions, or Importations of them happened, differing from what they were before.

As for Example, Wines, Brandy, and all kinds of Goods of the Growth of *France*, must of Course rise in their Value, the further Import being prohibited; And this would have enrich'd a great many Families in *Scotland*, who had Quantities of these Goods on their Hands, had not the Difficulty of Enforcing these Prohibitions at first laid Trade open to Clandestine Importations, by which the Fair Trader was, as in such Cases always happens, a very great Sufferer.

Secondly, All the Goods of the Growth of the *English* Colonies, or which were to be had from *England*, being now Imported directly to *Scotland*, began to come as the Return of the *Scots* Manufactures —; Several Ships being laden from *Scotland* to *Virginia* and *Barbadoes*, the very first Year after the Union.

Another Consequence of this Union in Trade, was the letting fall almost all the Woollen Manufactures, which had been erected in *Scotland*, and where they began to come to some Perfection in making Broad Cloth, Druggets, and Stuffs of all sorts; But, upon the Opening the *English* Trade, they were immediately so Throng'd with *English* Goods of the same sorts so much cheaper, that it appeared those Things would die of Course.

Tho' indeed this seemed to be some Blow to their Trade, and particularly to the Employment of their Poor, yet, at the same time, the Duties upon Linen from *Scotland* being taken off in *England*, made so great a Demand for *Scots* Linen more than usual, that it seemed the Poor could want no Employment; And several kinds of Linen being set to Work by *English* Men, which never before were made, or at least for Exportation in *Scotland*, such as Sail-Cloths, Canvas, Damask, &c. It is thought, the Employment of the Poor was not lessened by this Alteration.

On the other Hand, the Lower and Courser Manufactures in *Scotland*, which were made of their own Wool, seemed to increase, and not only found a larger Vent in *Scotland*, but were bought up by

by the *English* Merchants, who brought other Stuffs thither; and sold in *England*; And these Manufactures are not unlikely to rise to a considerable Height, such as *Stirling* Serges, in *England* called *Shaloons*, *Musselburgh* Stuffs, and the like; And we find in *England* some Proposals from the *African* Company, for the making *Guinea* Stuffs there, which perhaps may in time come to be very considerable.

I might enter here into the Schemes and Projects, which have made much Noise in the World for Improvement of Fishing in *Scotland*, and of Navigation and building Ships in *Scotland*; But as these things have yet made no Alterations in the Trade, and are but in *Embrio* at the Writing these Sheets, I cannot mingle them here as Matter of History, but have touch'd them more at large in the Preface.

It remains only to speak of the Alterations of the Customs —; And this would have required a long Table of the several Duties and Impost formerly paid in *Scotland* upon the Export and Import of Merchandizes —; But having already given an Account, That the whole Customs are settled upon the *English* Foot; And the Duties of all Kinds being too large to insert here, and already Printed in the Book of Rates, Re-printed in *Scotland*, it would be a Vain Labour to recite the Particulars: And as to the Difference between the Duties on the *English* Foot, and the Duties as paid before, it required the very same Recital of Particulars, the Length of which would be intolerable; And for this Reason, tho' I have referred to some Schemes said to be in the second part of this *Appendix*, and which I received from the Custom-House in *Scotland*, yet when I came to find upon Examination, that the Tacksmen of the Customs in *Scotland* usually compounded with the Merchants, and reduced the said Customs to what Sum they pleased, I chose to omit a Scheme, which, when put down, would give the Reader no certain Guess at the Thing, and consequently signify nothing.

If any Man should enquire, Whether, upon the whole of these Alterations in Trade, *Scotland* is Gainer or Loser, I must acknowledge, it is a difficult Point to resolve at so small a Distance from the Finishing the Union; But, as to the Profit of the Trade between *Scotland* and *England* in particular, as it appears at the Writing these Sheets, I shall leave the Impartial Observer to guess by these Two Particulars.

1. That about Seventeen Ships from the several Ports of *Scotland* are already fitted out, and sent away to the *English* Colonies, whose Loading is certainly the Product of the Ground, or Labour of the Poor, and whose Return must be in Sugar, Tobacco, Cotton, Indico, &c. and Money —.

2. That above 170000 Bolls of Corn of sundry sorts has already been Shipped off from *Scotland* for *England*, besides a very great Quantity bought up by *England*, and Shipp'd directly for *Portugal*; Both these Articles are Additions to the

Trade of *Scotland*, and both within little more than a Year immediately succeeding the Union of the Island: What further Encrease of Commerce may accrue to *Scotland*, when these Bloody Wars shall end, and when Peace shall be restored to *Europe*, I shall not pretend to Examine; But there seems to be no Question, but the Trade of *Scotland* stands fair for very great Improvements.

F I N I S.

APPENDIX.

Part II.

N^o A x.

Act anent Prayer for the Parliament, anent the UNION.

*At Edinburgh the Fourteenth day of October, One Thousand
Seven Hundred and six years.*

THe Commission of the General Assembly taking to their most serious Consideration, the great and weighty Affairs now in Agitation, specially the Treaty betwixt the two Kingdoms; And how much these call to all to be Earnest with GOD in sincere and fervent Supplications for His Direction and Assistance to the High Court of Parliament and all others Concerned, to bring them to a Happy Issue, for His own Glory and the Good of this Church and Kingdom. Do therefore Resolve and Declare, that in the first place, they for themselves and for all that shall be pleased to joyn with them, will Keep and Observe *Friday* next the 18th Instant at 10 a-Clock in this Place, for a Day of serious Prayer and Supplication to GOD, for his Divine Presence and Assistance for the End foresaid; And in the next Place, do most earnestly Recommend to all the Lords Ministers and People, that they also make Application to GOD upon all proper Occasions for the said Ends and Blessings; And that this Act be forthwith sent and Transmitted to all Presbyteries for their Concurrence by themselves, and by stirring up their People to the Duty above Recommended.

And on the 22th of the same Month, this Affair being moved again, the following Act of the Commission was made; as per the History Fol. 27. *Of the Treaty in Scotland.*

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Act

ACT Of the Commission of the General Assembly, Concerning Solemn Prayer and Humiliation.

At Edinburgh, The 22d of October, 1706.

THE Commission of the General Assembly of this National Church, having under their most serious Consideration ; That the great and weighty Affair of a Treaty of Union, between the two Nations, is now laid before the Parliament ; And how much the Result of their Determinations, with Respect to the same, may prove of the highest Consequence ; both to this Church and Nation in all their Interests Civil and Religious ; And that both to the present, and succeeding Generations ; Considering likewise, that the abounding and continued Encrease of Impiety, Popery and Prophaness through the Land, the abuse of the Privileges and Mercies, we have enjoyed, and hitherto, through the Infinite Goodness, and Long-suffering Patience of GOD do still enjoy, our Unthankfulness for, and Unfruitfulness, under the Gospel ; Our Formality, Decay of Zeal and slackness in Promoving according to our Stations, the much called for Work, of Sincere Personal and National Reformation ; May justly provoke the Righteous and Holy GOD, to remove our Blessings, to smite us in his hot Displeasure ; and for our Sins to leave our Rulers in this vastly important, and difficult Exigence wherein there is so much need of clear and unprejudicated Light, and of Harmony, and Oneness in the LORD : They have therefore judged it incumbent upon them to excite themselves, and all the People of GOD in the Land to much Seriousness, Diligence, and continued Fervour in applying to the Throne of Grace, upon so great and momentous Affairs : And they do hereby most seriously and earnestly Recommend to all the Presbyteries within this National Church ; To appoint, set a part, and observe a Day, for solemn publick Prayer, Fasting and Humiliation, in all the Churches within their Respective Bounds, as soon as possible ; For which End the Moderators of the several Presbyteries are to call them *pro re nata*, as soon as this comes to their Hand ; And farther, that Presbyteries continue to keep among themselves, and Ministers with their Sessions, Dyets, for persisting instant in Prayer to GOD, and for preserving upon their own Spirits, and of all the Lords People, a due Concern about their proper duty with Respect unto the Church of CHRIST, and the great Affairs now in Agitation.

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And

And the Commission doth most earnestly beseech and obtest in the Bowels of our Lord Jesus Christ, all their Brethren of the Ministry, and all the Lords People, that they stir up themselves and one another to humble sincere and penitent Confessions of their own sins, and the Sins of the Land, and to unfeigned Resolutions to Amendment, with active and zealous Endeavours after thorow Reformation respectively in their Places; Together also with ardent Supplications to the Father of Mercies in Behalt of the whole Church of Christ over the World; And particularly of the Church in this Land, that he may be pleased to take away all Iniquity, to turn our Hearts unto him, to return unto us and abide with us in Mercy, and graciously to preserve, establish and perfect what he has wrought for us: That our most Gracious Queen may be blessed and preserved in her Person, and guided of God in her Government and Councils, and that there may be a due thankful Acknowledgement of the great and wonderful Things God hath done, in giving such Success to the Forces of Her Majesty and these of her Allies, against the great Troubler of the Peace of Europe, and Persecutor of the Church and People of God, and that God may continue his Kindness in prospering Her Majesty's, and these of Her Allie's Forces both by Sea and Land against the common Enemy; And that all the Consultations and Determinations of the Estates of Parliament, especially with Respect to an Union with England may be influenced and directed by divine Wisdom and Conduct in the Fear of the Lord, to his Glory, the good of Religion, and this National Church established by Law in Doctrine, Worship, Discipline and Government, and the Well-fare, Comfort and Satisfaction of the People of this Nation, and the Peace and Prosperity of both Kingdoms, that Iniquity may stop its Mouth, that all sinful Contention and Discord may cease; And that Truth, Righteousness, and Peace may flourish and be perpetuated in this Church and Land: And its ordained that thir Presents be read in the Paroch Churches. This Act being voted was unanimously approved by the said Commission.

Extracted by Me

JO. DUNDAS Cls. Eccl.

N B x.

To His Grace the Duke of Queensberry, Her Majesties High Commissioner; And to the Right Honourable, the Estates of Parliament:

The Humble Address and Petition of the Commission of the General Assembly of the Church of SCOTLAND,

HUMBLY SHEWETH,

THAT where We are called by Our Great LORD and MASTER, and Entrusted by the late General Assembly of this Church,

to Advert to the Interest and Concerns of this Church on all Occasions that may offer, for promoting of its Good and Advantage ; And the preventing of any Hurt or Prejudice it may suffer. And whereas by the late Act of Parliament for a Treaty with *England*, for an Union of both Kingdoms ; It is Provided, That the Commissioners for that Treaty, should not Treat of, or concerning any Alteration of the Worship, Discipline, and Government of the Church of this Kingdom, as now by Law Established. Likeas, Her Majesty, in Her Gracious Letter to the Parliament, hath been pleased on the present Occasion, to renew the Assurances Her Majesty formerly gave of Her Resolution to maintain the Government of the Church as by Law Established ; Therefore, and in Regard there can be nothing more Important to the Glory of GOD, and to the perpetual Peace and Happiness of this Kingdom ; nor agreeable to Her Majesties most gracious Pleasure ; nor more becoming the Wisdom and Faithfulness of this High and Honourable Court of Parliament ; We do most humbly and earnestly Supplicate and Beseech your Grace and Lordships, That you may be pleased to Establish and Confirm the true Protestant Religion, and all our Sacred and Religious Concerns, in the most Effectual Manner, for their Unalterable Security to the People of this Land, and all succeeding Generations. And, Especially, that Her Majesty, with Advice and Consent of the Estates of Parliament, would be pleased to Ratify and Confirm the fifth Act of the first Parliament of *K. W. and Q. M.* Intituled, *Act Ratifying the Confession of Faith, and Settlement of the Presbyterian Church Government* ; And the other Acts of Parliament relating thereto, in Prosecution of the Declaration of the Estates of this Kingdom, containing the *Claim of Right*, of the Date the 11th of April 1689 : Expressly Providing and Declaring, That the foresaid true Protestant Religion, contained in the above mentioned Confession of Faith, with the Purity of Worship presently in Use in this Church, and the Presbyterian Church Government and Discipline ; *That is to say*, The Government of the Church, by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, which We are perswaded are agreeable to the Word of GOD, and founded thereon, and which are Established by the foresaid Acts of Parliament, pursuant to the *Claim of Right*, shall Remain and Continue Unalterably ; And that the said Presbyterian Government, shall be the only Government of the Church within this Kingdom ; And that this Provision shall be held and observed in all time coming, as a Fundamental Article, and Essential Condition of any Treaty or Union that shall be concluded betwixt the two Kingdoms ; And that it be further Settled, with all the Security that your Grace and the Estates of Parliament shall judge to be Sufficient.

And your Petitioners Do and shall ever Pray, That GOD only Wise, may guide your Grace and the Estates of Parliament, not only to the Full and Effectual Establishment of our foresaid Religion and Church

Church Government, and the Concerns thereof; But likewise, in this Whole Great and Weighty Affair of the depending Treaty, That the Result and Issue thereof may be the Glory of GOD, the Good and Advantage of the People of this Nation, in all Things, both Religious and Civil, and for continuing of Peace and Amity in this whole Island; And preserving under the Divine Protection, the Protestant Interest at Home and Abroad, against all the Contrivances of its restless Enemies.

Signed in Presence, in Name, and at the Appointment of the Commission of the General Assembly; By Sic Subscibitur,
WILL: WISHEART, Moderator.

N^o C. x.

PROCLAMATION

Against Tumults and Rabbles.

ANNE By the Grace of GOD, Queen of Great-Britain, France, and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren Heralds, Maces of Our Privy Council, Pursevants, Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially Constitute Greeting. *Forasmuch as,* notwithstanding that the raising of Tumults be a most dangerous, pernicious, and unboundable Practice, contrary to the very Being and Constitution of Government, and Destructive of the chief Ends thereof, The Safety and Security of Mens Lives and Fortunes; And that by several Acts of Parliament, such as *Ja: 2d Par. 14. Cap. 77. And Jac. 4th Par. 3d Cap 34.* It is Statute that there be no Commotion, nor rising of Commons in Burrows, in hindering of the Common Law; And that if any does in the contrary, and Knowledge or Tent may be gotten thereof; Their Goods be Confiscate to the King, and their Lives be at the King's Will: As also, by the Act of Parliament *Ja. 6th, Par. 18. Cap. 11.* It is Statute, That no Person within Burgh take upon Hand, under whatsoever pretext, to convocate, without the Knowledge and Licence of the Magistrates, under the Pain to be punished in their Body and Goods, with all Rigour. As likewise, that the haill Inhabitants of the said Burgh readily Assist and Concurr with the Magistrates for settling and punishing the saids Tumults, under the pain of being Fosterers and Maintainers thereof. Likewise, by the Act of Parliament, *Ja. 6th. Par. 17. Cap. 4th.* It is Statute, that whatsoever Person Invades or Pursues any of his Highness Session, Secret Council, or any of his Highness Officers: It being verified and Tryed, That they were pursued and Invaded for doing of his Highness Service, shall be punished to the Death: There hath happened within these Few Days, and particularly on the Twenty Third Instant, and near to the Parliament-House, and in the Parliament-

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Clofs, even the Time of Sitting, and at the Rising of the High and Honourable Court of *Parliament*, where Our High Commissioner was present amongst them, Most Disorderly and Insolent Convocations, and gathering of Commons, filling the Streets with Clamour and Confusion, and Insulting not only peaceable Persons; But also some of the Members of Our said High and Honourable Court of *Parliament*, presuming to Threaten and Invade them in their very Dwelling-Houses, by a most villanous and outrageous Mobb, which all Persons of Justice, Reason and Honour ought to detest, and endeavour to Suppress and Prevent in the severest & strictest Manner. Therefore, we in the just Resentment of such high Indignities; & to prevent the like in all Time coming, have thought fit, with Advice of the Lords of Our Privy Council; To ordain the Magistrates of *Edinburgh* to continue their Diligence, and make strict Inquire and Search, and to cause Apprehend all the Authors, Abettors, Accessaries, or Assistants of the foresaids Convocations, Mobbs and Tumults, to the Effect they may be brought to condign Punishment; Declaring for that End, That whosoever shall discover any of the saids Authors, or Accessaries of the saids Tumults, shall not only be himself Indemnified, But have a due Reward for so good Service. And farther, We with Advice foresaid, Ordain the Magistrates of *Edinburgh*, to call all the Deacons of Crafts, and Masters of their Incorporations, and all Others their Housholders & Inhabitants, and Oblige them for the good Behaviour of their Apprentices, Servants and Domesticks, in such manner as the Laws and Customs of the Burgh do allow. As also, that they call the Regents and Masters of the Colledge of *Edinburgh*, and enjoyn them strictly, that for hereafter they keep their Schollars in good Order, and be careful of their quiet and peaceable Behaviour: And We Ordain all the Inhabitants of the said Burgh, readily to Assist and Concurr with the Magistrates, for repressing and punishing all Tumults, under the foresaid Pain of Law: And farther for preventing the like wicked Insolence in Time coming; We with Advice foresaid, hereby declare, That in Case and whenever any such Disorderly Convocation or Tumult shal appear, or begin to appear for hereafter; and that thereupon Intimation shal be made by the Magistrates, to all and sundry, to withdraw and retire to their respective Houses, Shops and Employments; Whatever Apprentice, Servant, Journey-man, Foot-man, or any other Person, shall disobey and be found upon the Streets, shall be repute and held as Fosterers and Maintainers of the saids Tumults, and punished accordingly. And it is farther Ordered, that after such Intimation made to all Persons to retire to their Houses, and clear the Streets; Whoever shall be found thereafter Disobedient, and to continue upon the Streets, may be attacked and Seized by the Town Guard within the Town of *Edinburgh*, and also by such of our Force, as upon such Occasions have been, or shall be called for, and ordered by our Privy Council to March in, and be assistant for the suppressing and dissipating of such wicked Tumults and Disorders and that with all Manner of Force, and by all such means as shall be necessary

necessary for that Effect. And We with Advice foresaid, do farther Declare, That if any Slaughter, Mutilation, Wounds, Blood or Bruises shall happen to be committed by the foresaid Guards, or any of our Forces that shall be Ordered for their Assistance, or by their Officers in Obedience to these our Orders, in Suppressing and Dissipating of the said Tumults, and clearing the Streets thereof: The Actors and Authors thereof, are hereby Declared to be Indemnified for ever; and We discharge all Pursute Civil or Criminal to be intended against them on the foresaid Account in all Time coming, as having acted and done Nothing but what was their Duty; And in Case any of Our People shall dare to be so presumptuous, after Publication of the Premises, to assemble or continue in Arms; We hereby requite and Command the Sheriffs of our several Shires, Stewarts of Stewartries, Baillies of Regalities and Barronies, Magistrates of Burghs, and other Officers of our Law, Officers of Our Forces, and Troops under their Command, to pass upon, disperse and subdue the said Convocations by open Force, and all Manner of Violence, as Enemies and open Rebels to Us and our Government; And in Case any Slaughter, Blood, Bruises, or Mutilation shall happen to be done, and committed by our said Sheriffs, and Officers of our Forces, and other Magistrates foresaid, or Persons under their Command; We with Advice foresaid, do hereby fully Remitt, pardon and indemnifie the same, and discharge the Prosecution thereof Civilly or criminally in all Time Coming. OUR WILL IS HEREOF, and We charge you, that ye pass to the Mercat-Cross of *Edinburgh*, and Mercat Crosses of *Drumfreis*, *Lanerk* and *Glasgow*, and other Places needful, and there make Publication hereof, by open Proclamation of the Premises, that none may pretend Ignorance. And ordains these Presents to be printed, and our Solicitors to send Copies hereof to the Magistrates of the Respective Burghs above-mentioned for that Effect. Extracted forth of the Records of Parliament, by

J. A. MURRAY, Cls. Reg.

Given under Our Signet at Edinburgh, the Twenty fourth Day of October, and of Our Reign the Fifth Year 1706

Per Actum Dominorum secreti Concilii.

N^o D. x.

To His Grace, Her Majesty's High Commissioner, and the Right Honourable, the Estates of Parliament,

The ADDRESS of the Commissioners to the General Convention of the *ROYAL BURROWS* of this Ancient Kingdom, Convened the 29th of *October* last, upon the Great Concern of the *Union*, Proposed betwixt *Scotland* and *England*, for Concerting such Measures, as should be esteemed Proper for Them to take, with Relation to Their *TRADE*, and other Concerns.

HUMBLY SHEWETH,

THAT as by the CLAIM OF RIGHT, it is the Privilege of all Subjects to Petition: So at this Time, being mostly Impowered by Our *CONSTITUENTS*; and knowing the *SENTIMENTS* of the *PEOPLE* We Represent: It is Our Indispensible *DUTY*, to Signifie to Your Grace, and the Honourable Estates of Parliament, That as We are not against an Honourable and Safe Union with *England*, Consisting with the *BEING OF THIS KINGDOM*, and *PARLIAMENTS* thereof: Without which, We conceive neither Our *RELIGION*, nor Our *CIVIL INTERESTS* and *TRADE*, as We now, by *LAW*, Enjoy them, can be Secured to Us, and Our Posterity, far less can We expect to have the Condition of the *PEOPLE* of *SCOTLAND*, with Relation to these great Concerns, made Better and Improved, without a *SCOTS PARLIAMENT*.

AND, Seing by the Articles of Union, now under the Consideration of the Honourable Estates of Parliament, It is agreed, That *SCOTLAND* and *England* shall be United into one Kingdom; And that the united Kingdoms be united by one and the Same Parliament: By which Our *MONARCHY* is Supprest, Our *PARLIAMENTS* Extinct; and in Consequence, Our *RELIGION*, *CHURCH-GOVERNMENT*, *CLAIM OF RIGHT*, *LAWS*, *LIBERTIES*, *TRADE*, and all that is Dear to Us, daily in Danger of being Encroached upon, altered, or wholly Subverted by the *English*, in a *British-Parliament*: Wherein, the Mean Representation allowed for *SCOTLAND*, can never Signifie in Securing to Us the *INTEREST* Reserved by us, or granted to us by the *English*.

And by these *Articles*, Our Poor *PEOPLE* are made liable to the *English* Taxes, which is a certain unsupportable Burden; Considering, That the Trade Proposed is Uncertain, Involved, and wholly Precarious

Precarious: Especially: when Regulate as to Export and Import by the Laws of *England*, and under the same Prohibitions and Restrictions, Customs, and Duties. And considering, That the most considerable Branches of Our **TRADE**, are differing from those of *England*, and are, and may be yet more Discouraged by their Laws; And that all the Concerts of **TRADE**, and OUR **INTEREST**, are, after the *Union*, Subject to such Alterations, as the Parliament of *Great-Britain* shall think fit.

We therefore Supplicate your Grace and the Honourable Estates of Parliament; and do assuredly Expect, that ye will not conclude such an Incorporate Union, as is contained in the Articles Proposed; But that ye will Support and Maintain the **TRUE REFORMED PROTESTANT RELIGION and CHURCH GOVERNMENT**, as by Law Established The **SOVEREIGNITY and INDEPENDENCY** of this **CROWN and KINGDOM**, and the **RIGHTS and PRIVILEGES** of **PARLIAMENT**, Which has been Generously asserted by you, in the Session of this present Parliament: And do further Pray, that effectual Means may be used for Defeating the Designs and Attempts of all Popish Pretenders whatsoever, to the Succession of this **CROWN and KINGDOM**; and for Securing this **NATION** against all the **ATTEMPTS and INCROACHMENTS** that may be made by any Persons whatsoever, upon the **SOVEREIGNTY, RELIGION, LAWS, LIBERTIES, TRADE and QUIET** of the same. And We promise to Maintain with Our Lives and Fortunes all these valuable Things, in Opposition to all **POPISH** and other Enemies whatsoever, according to our **LAWS**, and **CLAIM OF RIGHT**.

Signed by **ORDER**, and in **PRESENCE** of the Convention, by

Sam. Mclellan Preses.

N^o E x.

T Hese are to Notifie to all Concerned, what are our Reasons for, and Designs in the Burning of the Printed Articles of the Proposed Union with *England*, with the Names of the Scots Commissioners, Subscribers thereof; together with the Minutes of the whole Treaty betwixt them and the English Commissioners thereanent.

W E have herein no Design against Her Majesty, nor against *England*, or any *Englishman*; neither against Our present Parliament, in their Acts or Actings, for the Interest, Safety and Sovereignty of this Our Native and Ancient **NATION**; But to Testifie our Dissent from, Discontent with, and Protestation against

the Twenty five Articles of the said Union, Subscribed by the fore-said Commissioners, as being Inconsistent with, and altogether Prejudicial to, and utterly Destructive of this NATION's Independency, Growth-Rights, and Our Constitute Laws, both Sacred and Civil. We shall not here Condescend upon the particular Prejudices, that do, and will redound to this Nation, if the said Union should be carried on, according to the Printed Articles: But refers the Reader to the Variety of Addresses, given in to the present Parliament by all Ranks, from almost all Corners of this Nation, against the said Union: Only We must say and profess, That the Commissioners for this Nation, have been either Simple, Ignorant, or Treacherous if not all Three; when the Minutes of the Treaty betwixt the Commissioners of both Kingdoms are duely Considered; And when we compare their Dastardly Yieldings unto the Demands and Proposals of the *English* Commissioners; who, on the contrair, have Valiantly Acquit themselves for the Interest and Safety of their Nation.

We acknowledge it is in the Power of the present Parliament, to give Remissions to the Subscribers of the fore-said Articles; and we heartily wish for a good Agreement amongst all the Members of the Parliament, so as it may tend to the safety and Preservation of both CHURCH and STATE, with all the Privileges belonging thereto, within the Kingdom of SCOTLAND.

But if the Subscribers of the fore-said Treaty and Union, with their Associates in Parliament, shall presume to carry on the said Union, by a supream Power, over the Belly of the Generality of this Nation: Then, and in that Case, as we judge, that the Consent of the Generality of the same, can only Divest them of their Sacred and Civil Liberties, Purchased and Maintained by our ANCESTORS with their Blood: So we protest, whatever Ratification of the fore-said Union may pass in Parliament, contrair to our Fundamental Laws, Liberties, and Privileges, concerning Church and State, may not be binding upon the Nation, now or at any Time to come: And particularly we protest against the Approbation of the first Article of the said Union, before the Privileges of this Nation, contain'd in the other Articles had been adjusted and secured: And so we earnestly Require, that the Representatives in Parliament, who are for Our Nation's Privileges, would give timeous Warning to all the Corners of the Kingdom; That we and our Posterity become not Tributary and Bond-slaves to our Neighbours, without acquitting our selves, as becomes Men and Christians: And we are confident, that the Souldiers now in Martial Power, have so much of the Spirits of *Scots men*; that they are not ambitious to be Disposed of, at the pleasure of another Nation: And we hereby Declare, that we have no Design against them in this Matter.

N^o F. x.

OVERTURE *For an Act for Security of the Church.*

OUR SOVEREIGN LADY, and the Estates of Parliament, Considering, That by the late Act of Parliament, *For a Treaty with England for an Union of both Kingdoms*, It is provided, That the Commissioners for that Treaty should not treat of, or concerning any Alteration of the Worship, Discipline and Government of the Church of this Kingdom, as now by Law established; Which Treaty being now Reported to the Parliament, and it being reasonable and necessary, That the true protestant Religion, as presently professed within this Kingdom, with the *Worship, Discipline and Government* of this Church, should be Effectually and Unalterably secured; Therefore, Her Majesty, with Advice & Consent of the said Estates of Parliament, Doth hereby Establish and Confirm the said true Protestant Religion, and the *Worship, Discipline and Government* of this Church, to continue without any Alteration to the People of this Land in all succeeding Generations; and more especially, Her Majesty with Advice and Consent foresaid, Ratifies, Approves and for ever Confirms the 5th Act of the 1. Parliament K. W. and Q. M. Intituled, *Act ratifying the Confession of Faith, and settling Presbyterian Church Government*, with the haill other Acts of Parliament Relating thereto, in Prosecution of the Declaration of the Estates of this Kingdom, containing the *Claim of Right*, bearing date the 11th of April 1689. And Her Majesty, with Advice and Consent foresaid, expressly Provides and Declares, That the foresaid true Protestant Religion, contained in the above mentioned *Confession of Faith*, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline, *That is to say*, The Government of the Church by *Kirk-Sessions, Presbyteries, Provincial Synods and General Assemblies*, all established by the foresaid Acts of Parliament, Pursuant to the *Claim of Right*, shall remain and continue unalterable; and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland, And further, for the greater Security of the foresaid Protestant Religion, and of the *Worship, Discipline and Government* of this Church as above established, Her Majesty, with Advice and Consent foresaid, Statutes and Ordains, That, in all Time coming, no Professors, Principals, Regents, Masters or others bearing Office in any University, Colledge or School within this Kingdom, be capable, or be admitted or allowed to Continue in the Exercise of their said Functions, but such as shall Own and Acknowledge the civil Government in Manner prescribed or to be prescribed by the Acts of Parliament. As also, that before or at their Admissions, they do and shall acknowledge and Profess, and shall subscribe to the foresaid *Confession of Faith*, as

Confession of their Faith, and that they will practise and conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour directly or indirectly the Prejudice or Subversion of the same, and that before the respective Presbyteries of their Bounds by whatsoever Gift, Presentation or Provision, they may be thereto provided. *And further*, Her Majesty, with Advice foresaid expressly *Declares* and *Statutes*, That none of the Subjects of this Kingdom shall be lyable to, but all and every one of them for ever free of any Oath, Test or Subscription within this Kingdom, contrary to or Inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government, Worship and Discipline as above established, and that the same within the Bounds of this Church and Kingdom shall never be imposed upon, or required of them in any Sort. *And lastly*, That after the Decease of Her present Majesty (whom GOD long preserve) The Sovereign succeeding to Her in the Royal Government of this Kingdom, shall in all Time coming, at His or Her Accession to the Crown, Swear and Subscribe, that they shall Maintain and Preserve the foresaid Settlement of the True Protestant Religion, with the Government, Worship and Discipline of this Church as above established, inviolably. And it is hereby *Statute* and *Ordained*, That this *Act* of *Parliament*, with the Establishment therein contained, shall be Held and observed, in all Time coming, as a Fundamental and Essential Condition of any Treaty or Union to be Concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto in any Sort for ever. *As also*, That this *Act* of *Parliament*, and Settlement therein contained, shall be Insert and Repeated in any *Act* of *Parliament* that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms, and that the same shall be there expressly Declared to be a Fundamental and Essential Condition of the said Treaty or Union in all Time coming.

Agreed

N^o G x.

Agreed to in the Commission. November. 8 1706.

Unto His Grace, Her Majesties
High Commissioner, and the
Right Honourable the Estates of
Parliament.

The Humble Representation and Petition,
Of the Commission of the General As-
sembly of this *National Church*.

SHEWETH,

That beside the general Address already made by us, for securing the Doctrine, Worship, Discipline and Government of this Church, and now under Your Consideration, which withall Gratitude we acknowledge; There are some Particulars which in Pursuance of the Design of our said Address, we do with all Humility lay before Your Grace and Lordships.

I. That the Sacramental Test being the Condition of access to Places of Trust, and to Benefices from the Crown, All of our Communion must be debarred from the same, if not in *Scotland*, Yet through the rest of the Dominion of *Britain*, which may prove of most dangerous Consequence to this Church.

II. That this Church and Nation may be exposed to the further Danger of new Oaths from the Parliament of *Britain*, unless it be provided that no Oath, Bond or Test, of any Kind, shall be required of any Minister or Member of the Church of *Scotland*, which are inconsistent with the known Principles of this Church.

III. There being no Provision in the Treaty of Union, for securing of this Church by a Coronation Oath, That therefore in the Coronation Oath to be taken by the Sovereigns of *Great-Britain*, they be engaged to Maintain the Doctrine, Worship, Discipline and Government of this Church, and the Rights and Privileges thereof, as now by Law established.

IV. That in Case the proposed Union be Concluded, the Church will suffer Prejudice, unless there be a Commission for Plantation of

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Kirks and Valuation of Teinds, and making up the Registers of that Court which were Burnt, and a Judicatory in *Scotland* for Redressing Grievances, and Judging Causes which formerly were Judged by the Privy Council, such as the Growth of Popery, and other Irregularities, and with which Judicature, the Church may correspond anent Fasts and Thanksgivings.

V. Likewise we do humbly Represent, That in the Second Part of the Oath of Abjuration in Favours of the Succession in the Protestant Line, there is Reference made to some Acts of the *English* Parliament, which every one in this Nation who may be Obligated to take the said Oath, may not so well know, and therefore cannot Swear with Judgment. As also, there seems to us, some Qualifications required in the Successor to the Crown, which are not suitable to our Principles.

VI. And in the last Place, In Case this proposed Treaty of Union shall be concluded, This Nation will be subjected in its Civil Interests, to a *British* Parliament; Wherein Twenty six Prelates are to be Constituent Members and Legislators: And lest our Silence should be Constructed to Import our Consent to, or Approbation of the Civil Places and Power of Church Men; We crave Leave in all Humility, and due Respect to your Grace and Honourable Estates of Parliament, to Represent, that its Contrary to our known Principles and Covenants, That any Church Man should bear civil Offices, or have Power in the Common Wealth.

These Things we humbly beseech Your Grace and Lordships to Consider, and provide suitable Remedies thereto. And We shall Pray that the only wise God may so Direct and Guide Your Grace and Lordships in these, and all other Matters that ly before You; That the Result of Your Consultations may be the Glory of God, the Advantage of Religion, the Peace and Comfort of Her Majesty, (whose long and Prosperous Reign we heartily Pray for) The Preservation of Peace and Truth in both Kingdoms, and the Welfare of this Church and Nation in Particular, the Satisfaction of all who truly Love and Fear the Lord therein, the Peace of your own Consciences, and your Comfort in the Day of Your Accounts.

*Signed in Name, in Presence, and at the Appointment of the
foresaid Commission of the General Assembly, By*

WILL, WISHART Moderator.

Reasons

N° H x.

**Reasons given in to Mr. William
Wishart Moderator of the Commis-
sion of the late General Assembly
of the Church of SCOTLAND,
Against the Representation and Petition.**

AT Edinburgh the twelfth Day of November, One Thousand Seven Hundred and six Years; By the undersubscribing Noblemen and Gentlemen, Elders in the said Commission, Reasons for Dissent Entered, and Protestation taken by them upon the 7th Day of the said Moneth, in the Meeting of the Commission against an Address proposed to be made by the Commission upon the Grounds Contained in six Articles to the High Court of Parliament; Which Articles were by several Members of the Commission urged to be put to the Vote for Approbation in the Form and Terms following.

The Articles are as follows.

1. That the Sacramental Test being the Condition of Access to Places of Trust, and to Benefices from the Crown, All of our Communion must be Debarred from the same, if not in Scotland, yet through the Rest of the Dominion of Britain, which may prove of most dangerous Consequence to this Church.

2. That this Church and Nation may be Exposed to the further danger of new Oaths from the Parliament of Britain, unless it be provided that no Oath, Bond or Test of any Kind, shall be required of any Minister or Member of the Church of Scotland, which are Inconsistent with the known Principles of this Church.

3. There being no Provision in the Treaty of Union for Securing of this Church by the Coronation Oath, That therefore in the Coronation Oath to be taken by the Sovereigns of Great-Britain, they be Engaged to Maintain the Doctrine, Worship, Discipline and Government of this Church, and the Rights and Privileges thereof, as now by Law Established.

4. That in Case the Proposed Union be Concluded, the Church will suffer Prejudice, unless there be a Commission for Plantation of Kirks and Valuation of Teinds, and making up the Registers of that Court which were Burnt; And a Judicatory in Scotland for Redressing Grievances, and judging Causes, which formerly were judged by the Privy Council, such as the Growth of Popery, and other

D 2

Irregularities

Irregularities : And with which Judicatorie the Church may Correspondent Fasts and Thanksgivings.

5. Likewise, We do humbly Represent : That in the second Part of the Oath of Abjuration, in Favours of the Successor in the Protestant Line, there is Reference made to some Acts of the *English* Parliament, which every One in this Nation who may be Obligated to take the said Oath, may not so well Know, and therefore cannot Swear with Judgment ; As also, There seems to us some Qualifications required in the Successor to the Crown, which are not suitable to our Principles,

6. And in the last Place, In Case the proposed Treaty of Union shall be concluded, this Nation will be subjected in its civil Interests to a *British* Parliament, wherein Twenty six Prelates are to be Constituent Members and Legislators, and lest our Silence should be construed to Import Our Consent to, or Approbation of the civil Places and Power of Church Men ; We crave Leave in all Humility and due Respect to your Grace and Honourable Estates of Parliament to Represent, That its contrary to Our Known Principles and Covenants, that any Church-Man should bear civil Offices, or have Power in the Common Wealth.

Against which Articles and Address Proposed, the saids Elders did before the Vote protest, and take Instruments in the Hands of the Clerk of the Commission;

For the Reasons following.

1. The Commission of the *General Assembly* having already Address to the Parliament for Securing the Doctrine, Worship, Discipline and Government of this Church ; And that Address being read in the House upon the 17th of *October* last, The Parliament did thereupon Declare, that before concluding the Union, they would take the said Address to their Consideration, and would do every Thing necessary for securing the true Protestant Religion and Church Government presently by Law established in this Kingdom ; Which Assurance we conceive the Commission may very well rely upon, Seeing it is not to be doubted, that the Parliament will in due Time, when the Address is taken to Consideration, make all necessary Provisions for Securing our Religion and Church Government by Law established ; And it may be constructed Jealousie or Diffidence in this Commission to press and pursue the said Address further, before

fore it appear what Steps and Progress the Parliament shall make upon it, Especially seeing there are so many Elders of this Commission who are Members of the House : And being heartily Concerned for the Churches Interest, will certainly take Care that Nothing be Omitted or forgot to be Represented in Parliament which is Necessary for the Churches Security.

2. The Parliament having upon the 15th of October last, Voted to proceed presently to the Consideration of the Articles of the Treaty of Union, which might be Known to all by the published Minutes, We conceive it not Decent or suitable to the Prudence of this Commission to present an new Address Relating to the Subject of the former : whereby the House may be impeded in its Procedure, which may cause a longer Delay of Considering the first Address by Occasioning new Questions and Debates in the House.

3. The 6th Article of the now intended Address, contains Matters which we conceive are not within the Sphere and Compass of the Commissions Business prescribed to them by the *General Assembly*. Yet a wide Step is made in quarrelling and Objecting to the Constitution of the Parliament of *England* the Representative of that Nation, with which this is now in a Treaty about an Union, likewise in that Article the Form and Frame of the Civil Policy and Government of *England*, in the Extent and Latitude of it, Agreeable to it's Laws is Reflected upon and Challenged ; all which in our Opinion, Insinuates a Blaming and Condemning our Parliament for Treating of an Union with a Kingdom so Circumstantiated as *England* is.

4. Whatever the Constitution of the Parliament of *England* now is, and whatever may be the Constitution of the Parliament of *Great Britain* after the Union, the present legal Establishment of our Church is not alterable by it, that being without the bounds of the Treaty, which can reach no farther than the Civil Policy and Government of the United Kingdom ; Besides that our legal Establishment will no doubt be further Fenced and Fortified, when the Commissions Address is taken into Consideration by the Parliament.

5. The Parliament having upon the fourth of this Month, Voted that the two Kingdoms of *Scotland* and *England*, shall upon the first Day of May next Ensuing, and for ever after be United into one Kingdom by the Name of *Great Britain*, with this Provision (That if the Articles of Union be not adjusted by the Parliament, then the Agreeing to and Approving of the first shall be of no Effect) We Apprehend it may be of Dangerous Consequence to present now any Address which may Admitt of a Construction opposite to that Vote in Parliament ; And certainly it would not be Excuseable in any who are Members in the House, to concurr in an Address of that sort.

So being fully perswaded that the way of proceeding by the New Address now intended, will tend to the great Disadvantage and Prejudice of the Church as now Established, and of the Presbyterian Interest, we found our selves obliged to Enter our Dissent and to Protest. *Sic Subscribitur, Rothes, Marchmont, Polwarth, George Baillie, Alexander Ogilvie, J.C. Auchinbreck, J. Campbell.*

E

Some

The Commission of the General Assembly,
 Reply to the Reasons given by the
 Elders for their Protest, Entituled,
Some Modest Animadversions by way of Re-
ply to a Paper Intituled, Reasons &c.
ut Supra.

IT was a great Grief to the Commission, when it pleased some of our Honourable Friends of the Ruling Elders to protest against the Vote, Whether the 6th Article of the Commissions second Address should be added to the other Articles formerly Agreed to; and it doth add no little to our Grief, that a Paper is given in with Reasons as against the whole Address; Whereas they may Remember the first three of the Articles of the said Address were unanimously Agreed unto before.

We do sincerely profess, We have such a Sense of, and Confidence in the Kindness of these Noble and Honourable Persons to this Church, that it Afflicts us, when in any thing we cannot comply with their Opinion; But we hope they will Excuse us when purely our Conscience towards God, maketh us Differ.

We Heartily Wish this debate Sopite, and that yet it would please them to take up this Paper, perhaps on more Mature and second Thoughts, they may see there is no Ground to be so severe against our second Address, As to Censure it as Jealousie or Diffidence of the Parliament or our Friends in it, as in the first Reasons; and of Indecency and Unsuitable to Prudence, as Reason second, or Dangerous and such as may be construed, as contrary to a Vote of Parliament November 4th as in Reason 5th. For the first Address being General, the second was but a humble Representation of some particulars we humbly desired might be minded, when it pleased the Parliament to resume the Consideration of the first Address, leaving the time to the Wisdom of the Parliament, we being far from any design to occasion Delay or Debate; and it hath pleased the Parliament to insert diverse of the Things there desired in the Act for the *Security of the Church*, and we would gladly hope they will consider the rest of them in due time.

But we conceive it is the 6th Article against which the chief Offence is taken, and against which the 3d and 4th Reasons are levelled, but our Honourable Friends know, there had been much Reasoning on that Head for diverse days, and when there was no appearance of Unanimity, how could the Commission shun a Vote for Decision of the Difference, nor can we be perswaded that the Commission went in their Vote without the Sphere and Compats of the Business prescribed to them by the General Assembly, or made a wide Step in quarrelling and objecting to the Constitution of the Parliament of England, as is alledged in Reason 3d. For it was oft told in the Conference

ference and Debate, we did not meddle with the Constitution of the Parliament of *England*, as the Parliament of *England*, though we cannot command our Judgment to an Approbation of it; nor do we speak any thing against treating with the Parliament of *England*, as the Representative of that Nation, nor doth it blame our Parliament for treating with them, for they treat with the Parliament of *Scotland* as the Representative of the Nation; Which as theirs is in its Frame established by the Laws of the Land, yet a Regulation thereof is treated of for constituting the *British* Parliament, why then should there be so much Offence taken, that in due Season before the Conclusion of the Treaty, it is humbly represented to the Parliament, that in case the proposed Treaty of Union be concluded, this Nation will be subjected in its civil Interests to a *British* Parliament, wherein 26 Prelates are to be constituent Members and Legislators.

We do not speak in that 6th Article of the legal Establishment of our Church, and so the 4th Reason toucheth not this Point.

And could any thing be more modestly expressed than this is by the Commission in their Address, in these Words.

‘ And lest our Silence should be construed to import our Consent to, or Approbation of the civil Places and Power of Church-men, we crave leave in all humility and due Respect to your Grace and honourable Estates of Parliament, to represent that it is contrary to our known Principles and Covenants, that any Church Man should bear civil Offices, or have power in the Common-Wealth.

Nor can we see how this Address doth of its own Nature tend to the Disadvantage of the established Church and Presbyterian Interest.

But as we have Charity towards them, we expect the same Charity towards us, acting purely from Conscience towards GOD, and we intreat and expect the continuance of their Kindness to this Church.

N^o K. x.

*Unto his Grace, Her Majesties
High Commissioner, and the Most
Honourable The Estates of Parli-
ament,*

*The Representation and Petition of
the Commission of the General
Assembly of this National
Church of SCOTLAND.*

Edinburgh January 16th. 1707.

Humbly Sheweth,

THAT We considering the Trust reposed in us by the late General Assembly; Find it our Duty to lay before Your Grace and Lordships, when, as we are informed, you are about the passing of an Act of Ratification of the Articles of the Treaty of Union betwixt the two Kingdoms of Scotland and England, which contains these following Words; 'Declaring nevertheless, that the Parliament of England, may provide for the Security of the Church of England, as they shall think Expedient, to take Place within the Bounds of the said Kingdom of England, and not derogating from the Security above provided, for establishing the Church of Scotland within the Bounds of this Kingdom, which shall not suspend or derogate from the Force and Effect of this present Ratification, but shall be understood as here included, without any Necessity of any new Ratification in the Parliament of Scotland: Which Clause seems to us, not only to be like a *Blank*, put, with Your Grace and Lordships Consent, in the Hands of the Parliament of England, to Enact what they shall Think fit, for Securing the Hierarchy and Ceremonies of their Church, But also a Consent that it be an Article and Fundamental of the Union; And as is contained in Your Ratification, cannot but imply a Manifest Homologation.

We

We do therefore humbly beseech Your Grace and Lordships, That there be no such Stipulation, or Consent for the Establishment of that Hierarchy and Ceremonies, as you would not involve your selves and this Nation in *Guilt*, and as you consult the *Peace* and *Quiet* of this Nation, both in *Church* and *State*. We pray that GOD may Bless and Preserve our gracious *Queen*, and direct your Grace and Lordships in this and all the great and momentuous Affairs, which are or may be before you.

Signed in Name, in Presence, And at the Appointment of the Commission of the late General Assembly, by
sic subscribitur WILL. WISHEART Moderator.

N° L x.

To his Grace Her Majesties High Commissioner, and the Right Honourable Estates of PARLIAMENT, The humble Address of the Presbytery of Dumblane.

Sheweth,

THAT We having seen the several Faithful and Seasonable Addresses and Representations of our Brethren of the Commission, to your Grace and Lordships; all which we concur in, and agree to, as expressive of our Known and Covenanted Principles; and tho it may appear unnecessary, that we should give your Grace and the Honourable Estates of Parliament any Trouble this way; yet from a Sense of the Duty we owe to GOD at this Juncture, to our Gracious Sovereign Queen *Anne* (whom the Lord long preserve for a Blessing to this Church and Nation) and to your Grace and Lordships; We could not forbear in all humility to Represent, how much we are Alarm'd, with the present Scheme of Union in the Printed Articles, as apprehending the Fatal Consequences thereof, in the Event of a *British* Parliament to our Sacred and Religious Concerns, and to which we can not go in, without Guilt before GOD, in a manifest Breach of our Solemn Covenants, by which we are Ingaged, against Ecclesiastical Persons being Legislators in the Common Wealth. (The Setting up of publick Mass, and *English* Ceremonies, The Illegal and Disorderly Practices of the Episcopal Clergy, from the Hopes of a Popish Successor to the Crown, without any effectual Redress from the Government, notwithstanding of repeated Application made by this Church) do give just Umbrage of what may be expected, when

F

Scotland

Scotland and England are united into one Kingdom, and Represented by one and the same Parliament.

‘ May it therefore please your Grace, and the Honourable Estates
 ‘ of Parliament, to be tender of the Peace and Quiet of this
 ‘ Church and Nation, and settle the Succession in the Protestant
 ‘ Line, and to do nothing that may be prejudicial to this Na-
 ‘ tional Church, in any of its Religious, or Sacred Interests;
 ‘ which Her Majesty in Her Gracious Letter, Back’d with your
 ‘ Grace and my Lord Chancellors Speeches to this present Ses-
 ‘ sion of Parliament; give just ground to expect.

N^o M. x.

*Unto His Grace, Her Majesties High Com-
 missioner, and the Right Honourable E-
 states of Parliament; The humble Address
 of the Barons and Freeholders, within the
 Stewartry of Kirkcudbright.*

WE the Barons, Freeholders of the said Stewartry of *Kirkcudbright* undersubscribing, having seen the Articles of the Union agreed upon by the Commissioners nominate on behalf of the Kingdom of *Scotland*, and the Commissioners nominate on behalf of the Kingdom of *England*, in which they have agreed, that *Scotland and England* shall be united into one Kingdom, the which united Kingdom, shall be united by one and the same Parliament. And seeing it doth evidently appear to us, that such an incorporating Union, as is contained in the saids Articles, is contrair to the Honour, Fundamental Laws and Constitution of this Kingdom, *Claim of Right*, and Rights and Privileges of the Barons and Freeholders of this Kingdom; and that the same is Destructive to the true Interest of the Nation: And being likewise apprehensive of the Danger that evidently threatens our Church Government, from a Parliament where there is not one Member of that Communion. Therefore, we humbly beseech your Grace, and the Honourable Estates of Parliament, that ye will not promote any such Incorporating Union, but do confidently expect that ye will Support and Preserve Entire the *Sovereignty and Independency*

dency of this CROWN and KINGDOM, and the Rights and Privileges maintained by our Heroick Ancestors, for the space of near two thousand Years, that the same may be Transmitted to succeeding Generations, as it has been conveyed to Us; And we will Heartily concur with you for Supporting and Maintaining our Sovereignty and Independency with our Lives and Fortunes, conform to the qualified Laws of the Nation.

Nº N x.

Unto his Grace Her Majesties high Commissioner, and the Right Honourable the Estates of Parliament, the Humble Address of the Presbytery of Hamilton.

Sheweth,

THAT we heartily concur with the Addresses made by the Commission of the General Assembly to your Grace and Lordships and do believe that there is a full Unanimity therein amongst the Ministers of this National Church, both as to the matter of these Addresses, and in their humble and earnest Desires that the Honourable Estates of Parliament may take them into further Consideration, to prevent the Fears and Dangers of this Church, that may insue from an Incorporating Union with *England* in the Terms of the Treaty offered, to the Parliament.

But that which more especially obliges us in Duty and Conscience as Ministers of the Gospel of Peace, most humbly to interpose with your Grace and Lordships is, the Lamentable and Distracted State of the Kingdom, and particularly the People under our Pastoral Charge, from the sad Apprehensions they have, and have expressed in their several Addresses to the Parliament, of the woeful Effects and Consequences of such an Union to their Liberties both Civil and Religious, and that it cannot be entered into by the Nation in the Terms without incurring the Guilt of National Perjury: And tho' hitherto we have endeavoured to keep them from Breaking out, yet the Ferment and Dissatisfaction doth so encrease amongst all, that we are justly afraid of what these Things may turn unto.

We do therefore (after serious Supplication at the Throne of Grace) most earnestly Implore, and with a'l humility beseech in the Bowels of our LORD JESUS CHRIST, That your Grace and Lordships may compassionate the trembling State of this Church and Nation, and listen as it were to their dying Groans: GOD having put it in your Hands to allay their Fears, avert their Dangers, and

prevent the dreadful Confusions that threaten this Land, by laying aside this Incorporating Union with *England*, as offered in the Treaty, and by supplicating Her most Gracious Majesty (for whose long and happy Reign over us ; We do, and always shall most heartily Pray, and upon whose Royal Assurances in Behalf of this Church, we do most cheerfully rely) that the Protestant Succession to the Sovereign and independent Crown of this Kingdom may be settled by an Act of our own Parliament: And that no Incorporating Union with *England* may be concluded, until Her Majesty shall be pleased to call the General Assembly of this Church ; which being the National Church established by Law, and founded on the Nations *Claim of Right*, hath an undoubted Right to be consulted about Her own Securities, before any such Union be entered into with a Government of another Communion, where that Government is to be in a Manner sole Master of the whole Administration.

These things we most humbly beg of your Grace and Lordships, as our Protectors and Patrons under God, beseeching you to hearken unto us, that God may hearken unto you, and give you Peace and Comfort in the Day of your Accompts.

Sic subscribitur,

N^o O. x.

*A LETTER from the Commission of the
General Assembly, to the Presbytery of
Hamilton.*

Edinburgh December 6th. 1706.

R. D. B.

THe General Assembly of this Church, having appointed us to take care, that it suffer no prejudices, thro' neglect of due Application to the Honourable Estates of Parliament, or any other Judicatory, concerned in the Management of publick Affairs. We have in this Juncture, wherein a Treaty of Union with the Neighbouring Kingdom, is under Deliberation, before the Representatives of our Nation, Endeavoured, and are still endeavouring to Exoner our Consciences, in doing what we Judge incumbent upon us, for securing the Doctrine, Worship, Discipline, Government, Rights and Privileges of this Church; as now by the great Goodness of GOD, the same are Established among us : And being informed of Disorders and Tumults, in some parts of the Countrey, which the Enemies of our present happy Establishment may be ready to Improve, tho' without ground, to the Disadvantage and Reproach of this Church. We do look upon it as our Duty, to Recommend to all our Brethren, that as they have in their Stations access, they do Discountenance and Discourage all Irregularities and Tumults, that tend to disturb the Government of our Gracious Sovereign the Queen; to whom we are in Gratitude, as well as Duty, under the highest Obligations, seing in the kind Providence of GOD, We by Her good and wise Management, enjoy so many Advantages; and upon whose Preservation, our Peace, and the Security of All that's dear to us, do under GOD much depend, This in Name, and by the Order of the Commission of the General Assembly of this National Church, is Subscribed by

R. D. B.

*For the Right Reverend the
Moderator and remanent
Members of the Presbytery
of Hamilton.*

*Your Affectionate Brother and
Servant in the LORD.*

WILLIAM CARSTAIRS
Moderator *pro tempore.*

Bothwell

G

N^o P. x.

AN ANSWER of the Presbytery of Hamilton, To the
Th LETTER from the Commission of the General Assembly.

Bothwel 17. Decemb. 1706.

R. D. B.

YOur Letter signed by the R: Mr. Carstairs Moderator *pro tempore* we received this Day, being our first Meeting after its Date of the 6th Instant; wherein there is mention of your being informed of Disorders and Tumults in some parts of the Countrey, which you recommend unto us to discountenance and discourage as we have Access.

We know there have been many Reports spread Abroad of Tumults and Disorders, not only in *Glasgow*, which is too true, but in other places within the Shire of *Lanerk*; which as to the bounds of our Presbytery are grossly false: And we have reason to believe them to be so likewise, as to the rest of the Shire. We have heard also of some calumnious Stories industriously disseminated, concerning some of our Number, with respect to these pretended Disorders, which are not only contrary to Truth, but to common Sense. We wish the Forgers and Spreaders may be forgiven. They act in this neither the part of good Christians, nor of good Subjects.

As to the Disposition of the People, the plain Truth is, That they are generally most averse from the Union; and many have expressed themselves broadly enough against it, as what they fear may prove an irremediable Evil, if it should be concluded, wishing that some Stop might be put to it. And we have not been wanting, as there was occasion, to advise and exhort the People to Calmness and Regularity, and to refrain from any undue Keenness might be in their Words. But we must say, That it is utterly false and malicious to suggest, that there hath been the least Tumult or irregular Practice among them, since this Union came in Question, far less any shadow or Appearance of any Undutiful or Disloyal Thought of Her Majesty. Yea there has not been so much as the least Motion towards their accustomed ordinary Rendezvous warranted by Law, since the publishing of a Proclamation and Act, forbidding the same: It is true, That some of those Rash Youths who broke out from *Glasgow*, passed thro' our Bounds, but they were not allowed to make any stay, nor received the least Encouragement at any Hand, for ought we know: So that we can well assure the R. Commission, there is as much Peace and Quiet within the whole Bounds of this Presbytery, as is any Place of the Kingdom.

We have heard with much Satisfaction, of the Zeal which the R.
 Com.

Commission hath shewed by their Addresses mentioned in your Letter) for the Interests of the Church at this Time, when they are in so Eminent Hazard. And we have testified our Concurrence therewith by our Address to the Parliament: But we are still of Opinion, That the pressing Necessity of the present Juncture, and the manifest Impossibility (in the Event of such an Union, as is Moulded in the Treaty) of securing this Church in any of Her precious Concerns, now Established by the Laws and Constitution of our own Government and Kingdom, doth not only require the Continuance of Assiduous Application to the Right Honourable Estates of Parliament: But likewise, that the Commission, in Name of this Church, testify against the concluding of any Union with *England*, upon the Foot of this Treaty, till the General Assembly of this National Church, according to Her undoubted Right, as we have shewed in our Address be called and Allowed to consider of Solid and Essential Securities for the Church in such an Exigence. This we humbly think, the Trust reposed in the Commission, and Faithfulness to the Church of *Scotland*, both in the present and succeeding Generations doth undeniably Demand. Thus heartily Recommending you to Divine Conduct and Assistance. We rest

R. D. B.

*Your most Affectionate Brethren, and
Humble Servants in the Lord, The
Ministers of the Presbytery of Ham-
ilton. Subscribed in their Name,
and by their Order, by*

For the Right Reverend, the Moderator, and remanent Members of the Commission of the General Assembly at Edinburgh.

ALEX. FINDLATER Moderator.

N^o Q. x.

To his Grace Her Majesties High Commissioner, and the Right Honourable the Estates of Parliament; The humble Address of the Magistrates, Town Council, Burgeses and Inhabitants of the Burgh of New-Galloway.

WE the Magistrates, Town-Council, Burgeses and Inhabitants of the said Burgh of *New-Galloway* Under-subscribing, having seen the Articles of the Union agreed upon by the Commissioners, Nominate in the behalf of the Kingdom of *Scotland*: And the Commissioners Nominate in the behalf of the Kingdom of *England*, in which they have agreed: That *Scotland* and *England* be United in one Kingdom, and that the United Kingdom be Represented by one

and the same Parliament. *And Seeing, it does evidently appear to Us, That such an Incorporating Union, as is contained in the saids Articles, is contrair to the Honour, Fundamental Laws, Constitution of this Kingdom, and Claim of Right, by which Our Liberty, and Presbyterian Government in the Church are Secured: And also contrair to the Birth-Right of the Peers; And Rights and Privileges of the Barons, Free Holders and Burghs of the Kingdom; And that the same is Destructive to the True Interest of the Nation.*

Therefore we humbly beseech your Grace and Honourable Estates, And do confidently expect, that ye will not allow of any such Incorporating Union, But that ye will support and preserve the Sovereignty and Independency of this Independent Kingdom, and the Rights and Privileges of Parliament, which has been so valiantly maintained by our Heroick Ancestors, for the space of near Two thousand Years: That the same be transmitted to succeeding Generations as it has been conveyed to Us; For we are resolved to Defend and Support our Crown and Independent Sovereignty, with our Lives and Fortunes, conform to the established Laws of this Nation.

N^o R. x.

(Thursday 19th of December 1706.)

To his Grace Her Majesties high Commissioner, and the right Honourable the Estates of Parliament. The humble Address of the Magistrates, Town-Council, Merchants, Deacons of Crafts, and others Trades-Men and Inhabitants of the Burgh of Dumfermling.

WE the Magistrates, Town-Council, Merchants, Deacons of Crafts, and other Tradesmen and Inhabitants within the Burgh of *Dumfermling* Undersubscribing; Having seen and considered the Articles of the Union agreed upon by the Commissioners for the Kingdom of *Scotland* and *England*; In which they have agreed, That *Scotland* and *England* be united into one Kingdom; and that the united Kingdom shall be Represented by one and the same Parliament: And seeing it does evidently appear, that

that such an incorporating Union, as is contained in the said Articles is contrary to the Honour, Fundamental Laws, and Constitution of this Kingdom, Claim of Right, and Rights and Privileges of the Burrows and Church-Government, as by Law Established : and that the same is destructive to the true Interest of this Nation. *Therefore*, We humbly beseech your Grace and the Honourable Estates, and do confidently expect, That you will not allow of any such Incorporating Union ; But that you will Support and Preserve entire the Sovereignty and Independency of this Crown and Kingdom, and the Rights and Privileges of Parliament ; which have been so valiantly maintained by our Heroick Ancestors, for near 2000 Years : That the same may be transmitted to succeeding Generations, as they have been conveyed to us : and we will heartily concur with you for supporting and maintaining our Sovereignty and Independency, with our Lives and Fortunes, conform to the Laws of the Nation.

TOWN-COUNCIL.

David Adie *Baillie*
David Adie *younger Baillie*
Jerome Cowie *Dean of Guild*
William Wilson *Treasurer*
David Wilson *Counsellor*
John Cowie *Counsellor*
James Meldrum *Counsellor*
John Adie *Deacon Conveener*
Laurance Henderson *Counsellor*
William Inglis *Counsellor*
William Findlay *Counsellor*
William Young *Counsellor*
James Walls *Counsellor*.

MERCHANTS.

William Black
Henry Elder
Robert Anderson
John Hart
John Balfour
William Wilson
Thomas Mitchel
Andrew Rolland
Robert Adie
Charles Chambers
John Hay
Patrick Clow

Joseph Kirk
John Couper
William Wilson
Robert Robertson
James Dick
David Gray
George Christie
John Watson
Patrick Currie
John Brown
John Allan
James Pringle
John Bethon
Robert Wilson
David Meldrum
Robert Walker.

WRIGHTS.

John Main *Deacon*
Andrew Wilson
John Simpson
John Potter
George Walker
George Walls
Thomas French
Thomas Bonnar
John Henderson
James Henderson

H

John

John Main
James Kirk
Patrick Thomson
William Hutton
James French
Thomas Richardson.

MASONS.

James Simel
Charles Young
David Hunter
James Somervell
David Purvas
William Murgain.

SHOE-MAKERS.

Andrew Duncan *Deacon*
George Stewart
John Young
Andrew Main.

FISHERS.

John Hodge *Deacon*
James Cusin
Robert Kirk
John Belfrage
Thoma Beverage
Thomas Beverage
George Philp
William Taylor
William Welwood
John Burly
Andrew Belfrage.

WEAVERS.

John Wilson *Deacon*
James Wilson
John Stark
Patrick Hutton
James Turnbull
David Marres
James Wilson
Charles Kirk
Andrew Wilson
William Kirk
Thomas Drysdale
Thomas Richardson
Alexander Douglass
John Gotterson

John Black
John Williamson
William Wilson
David Dalglish
John Ker
Andrew Wilson
James Shortlands
John Wilson
John Wilson *alter*
Robert Gotterson
Robert Wilson
Robert Strachan
Robert Buist
John Durham
Robert Dalglish
Adam Robertson
Andrew Young
Robert Black
Robert Stark
Thomas Bean
Magnus Malcolm
Robert Inch
George Pullans
William Beanny
Robert Mackcraigh
John Inglis
John Mackcraigh.

TAYLORS.

James Richardson
Robert Donald
Andrew Hepburn
Alexander Coventry
Thomas Hanna
James Henderson
John Jamison
William Hodge
Alexander Couper
John Horn
James Kellock
James Wardlaw
Robert Bauld
James Hall
James Richardson
James French
John Wilkie.

SMITHS.

James Law

David

David Black
Thomas Wilson
John Cunighame
Adam Stevinson
William Anderson
James Smith.

BAXTERS.
William Ker

John Anderson:
Robert Adamson
Robert Donald
James Buist
Robert Ferguson
George Crawford
James Legar
John Bunline

Ego Andreas Sympson Notarius Publicus ac Scribe dicti Burgi de Dumferling speciali mandato Davidis Sands, Gulielmi Pierison, Jacobi Baud & Gulielmi Robertson Fabrorum Ferrariorum in dicto Burgo, ac Roberti Wellwood, Andreae Smeiton, Jacobi Wilson Calceariorum in dicto Burgo, & Joannis Rea, Jacobi Beannie, Thomae Wilson, Joannis Hepburn & Jacobi Massertoun Sartorum in dicto Burgo, & Edwardi Ovenbytt, Andreae Beanny & Joannis Beanny Fabrorum Murariorum ibidem, ac Petri Nigrem, Alexandri Grieve, Roberti Crawford, Joannis Brown, Andreae Morrice, Roberti Durham Gulielmi Kirk, Andreae Kirk, Joannis Hoggan, Roberti Haggan, Patricii Stevenson, Alexandri Gillespie & Petri Cairns Textorum ibidem, & Andreae Christie, Jacobi Walker, Gulielmi Walker, Davidis Christie, Gulielmi Eosan, Jacobi Brown, & Joannis Thomson Fabrorum Lignariorum, & Gulielmi Cusin Lanionis in dicto Burgo pro illis omnibus scribere nescien. ut asseruerunt specialiter requisitus subscribo, Sic Subscribitur.

AND. SYMPSON. N. P.

The Names of the Persons signing this Address are put in here, not that it was very material as to the Persons, but as a Specimen of the manner how these Addressees were usually signed.

Here follows the several States of the Revenues and Debts of the respective Kingdoms of England and Scotland, as they were distinctly and separatly stated by the Order, and for the Service of the Commissioners of both Kingdoms appointed to Treat of the Union ; With the several Valuations and Calculations, Appropriations, Proportions, and net Produce, as they were laid before the said Commissioners, being the same referred to in that part of this History, Intituled, Of the Treaty in London Fol. 104.

N^o S x.

A STATE of the REVENUES and Public INCOME of the Kingdom of ENGLAND; viz.

The Revenues appropriated for the better Support of Her Majesties Household, and of the Honour and Dignity of the Crown (By an Act 1 A^o Regina) during Her Majesties Life.

	<i>Per Annum, Per Annum</i>
T He Excise of 2 <i>sh.</i> and 6 <i>d.</i> per Barrel on Beer, Ale, &c. excluding 3700 <i>Lib.</i> a Week appropriated thereout for publick Uses, and including so much of the Charges of Management, as is paid by the Cashier, according to a <i>Medium</i> of three Years last past amounts to	286178
The further Subsidies of Tonnage, and Poundage, and other Duties upon Wines, Goods and Merchandizes imported (exclusive of Draw-backs by Debentures and Allowances for dammag'd Goods) by a like <i>Medium</i> , is	356841
The Revenue of the General Letter-Office, or Post-Office, by a like <i>Medium</i> , including Charges of Mannagement paid by the Receiver, is	101101
The Produce of the Fines arising in the Alienation-Office, (including the necessary Expenses of the Court of Chancery, and other Charges born thereout) is by a <i>Medium</i> .	4804
The past Fines by a reserved Rent on a Grant thereof in being, is	2276
The Produce of the Revenue arising by Wine Licences, including Charges of Management by a <i>Medium</i> , is	6314
Sheriffs Profits <i>communibus annis</i> about	1040
Compositions in Exchequer by a <i>Medium</i> of three Years.	13
Seizures of Uncustom'd and Prohibited Goods the like.	13005

The

Per Annum. Per Annum.

The Revenue of the Dutchy of Cornwall, consisting of the Custom, Coinage Duty of Tin, Rents of Lands, Fines of Leases, and other Revenues certain and Casual, amount to about	9869
The Revenue of the Principality of Wales about	6857
Other Revenues arising by Rents of Lands and Fines of Leases, &c. by a Medium of what paid in to the Exchequer in last three Years, amount to about	2906
So the Total of the Revenues, reckoning upon a Medium as aforesaid, and including the said Charges of raising the same, is about	691240

The other Publick Income.

Customs and Subsidies of Tonnage and Poundage by several Acts of Parliament continue till the 1 st . August 1710, and are appropriated for discharging such Debts or Incumbrances as in the said Acts are mentioned, These excluding Draw-backs by Debentures, Portage-Bills and Allowances for damag'd Goods, and including Charges of Mannagement paid by the Cashier, according to a Medium of three years last past, do produce about	345704
Impositions on Wines, Vinegar, Tobacco, and East-India Goods, which continue to the said 1 st August 1710, are appropriated for discharging of Debts as aforesaid, and excluding Draw-backs by Debentures, and Allowances for dammag'd Goods by a like Medium, are about	373485
Additional Impositions on Goods and Merchandizes are continued and appropriated as aforesaid, These (excluding Draw-backs and Allowances) by a like Medium, produce	39645
The Duties on Coals, Culm, and Cynders, continued to the 30 th . September 1710, are appropriated to such uses as in the Acts of Parliament for the same are mentioned, by a like Medium.	113688
The 15 lib. per Cent. on Muslins, and the Duties on Coffee, Tea, Spices, Pictures, &c, with the Additional Duties lately impos'd thereon, and upon Callicoes, China Wares, and Unrated Drugs, are all granted and continued to the 24 th . of June 1710, and appropriated for Re-payment of Loans with Interest: The former Duties by a Medium	116479

Per Annum. Per Annum.

of the last three Years (excluding Draw-backs and Allowances for dammag'd Goods) produced 42475 lib. and the new Duties are estimated at 74000 lib. per Annum, which together is	
25 lib. per Cent. Additional Duty on French Goods continueth for the Residue of a Term of 21 Years from 28th. February 1696. is applicable to any Uses of the War, and the Produce thereof by a Medium of the last three Years, excluding Allowances for dammag'd Goods, is about	10794
5 sh. per Tonn on French Shipping granted the 12 Car. 2di, is to continue so long as the Duty of 50 Sols per Tonn on English Shipping in France, and 3 Months longer, and is applicable to any uses of the War, the Medium of the last three years, amounts to	81
Plantation Duties granted 25. Car. 2di, on Goods carried from one Plantation to another, are not particularly appropriated, but applied to the uses of the War, the said Medium is	877
4 and $\frac{1}{2}$ per Cent. in Specie arising in Barbadoes and the Leward Islands subject to an Annuity payable to the Heirs and Assigns of the Earl of Kinnoul, are applied thereunto, and towards the Support of these Islands, pursuant to an Address of the House of Commons in that behalf, a Medium of the Produce of the said Duty by Sales thereof made herein the last three years, is,	6459
Coynage Duty (being 10 sh. per Tonn on Wines imported) is continued to the 1st of June 1708, and appropriated to the use of the Mint, and by a Medium of three years (excluding Draw backs, and Allowances for dammag'd Wine) is about,	7350
The Duties on Whale-Finns and Scotch Linen continued till the 1st of August 1710, are appropriated for discharging of Loans and other Debts (exclusive of Draw-backs and Allowances for Damage) by a like Medium may be,	10939
Additional Tonnage and Poundage granted for 3 years from 8th March 1703. and applicable to the Re-payment of Loans and Interest ; And by another Act continued from the 8th of March 1706 for 98 years, for payment of certain Annuities ;	81746

The

Per Annum. Per Annum

The Produce thereof in the year ended at <i>Christ- mas</i> last (exclusive of Draw-backs and Allowan- ces for dammag'd Goods) was	
3 ^d . Additional Tonnage and Poundage granted for four years from the 8 th of <i>March</i> 1704, are appli- cable to the Re-payment of Loans and Interest, the Produce thereof may be estimated to be at least.	160000
3700 <i>lib.</i> a Week to be taken out of the hereditary and temporary Excise on Beer, Ale, &c. is appro- priated for payment of Interest to diverse Bankers and others, for Moneys lent by them to King <i>Cha.</i> 2 ^d . redeemable on payment of a Moiety of the Principal, and for Annuities for several Terms of Years.	0192400
IX <i>d.</i> per Barrel Excise on Beer, Ale, &c. by one Act of Parliament, is to continue till 17 th . <i>May</i> 1713; and by an other Act is granted for a further Term of 95 years: The Produce is appropriated in the first place for satisfying Annuitys on Lottery Tic- kets, which will end at <i>Michaelmas</i> 1710, and afterwards to the payment of Annuities by a Medi- um of last three years.	0164828
Another IX <i>d.</i> per Barrel Excise made perpetual for payment of Annuities to the Bank of <i>England</i> , and other Annuities; This Grant not containing all the Duties given by the Act for the IX <i>d.</i> last mentioned, will produce by a like Medium, —	155000
And one other IX <i>d.</i> per Barrel for 99 Years from the 25 <i>January</i> 1692, is appropriated to payment of diverse other Annuities the like.	155000
Duties on Low Wines and Spirits of the first Ex- traction continued till the 24 th <i>June</i> 1710 are ap- propriated for Re-payment of Loans with Interest by a Medium of last three years will make —	25267
Duties on Mault, Mum and Cyder, have been con- tinued from year to year for several years past, and are computed at —	650000

*Memorandum, in most Years this Fund proves
deficient.*

XII <i>d.</i> per Bushel on Salt granted 5 <i>W.</i> and <i>M.</i> in per- petuity, is appropriated till the first of <i>August</i> 1710, towards payment of Debts and Incumbrances (ex- clusive of Draw-backs for Salt and Fish exported) by the produce of the last year may be reckoned.	54621
---	-------

28 d. per Bushel on Salt granted 9 ^o W. in perpetuity towards payment of Annuities after the rate of 8 per Cent. to the Traders to India by a like Computation.	128038
Rent of Hackney Coaches being 4 l. per Annum each, for 7000 Coaches continues for the residue of a Term of 21 Years, from Midsummer 1694, is applied to the Service of the War, and amounts to	28000
Licences to Hawkers and Pedlers continued to 24th June 1710, are appropriated towards paying off Loans with Interest, and by a Medium of three Years is	6460
Stamp Duties on Vellom, Parchment and Paper, part whereof continues till the first of August 1710, and is appropriated for re-payment of Loans, the other part is granted in perpetuity towards payment of Annuities to the Traders to India by a Medium of 3 years, (excluding Allowances for prompt payment) have produced.	89120
The Duties on Windows continued to the 1 st of August 1710, for re-payment of Loans and other Debts, produce about	112069
The Aid of 1111 sh. in the Pound on Land, &c. for the present year, is Ascertain'd at	1997763 3. 4.
	5000599. 3. 4.
Total of the Incomes and Revenues.	5691803 3. 4.

Memorand. The Revenues of the first Fruits and Tenths by an Act of the 1st of Queen ANNE, were granted for Support of the Civil Government, but are not computed here; because they have been since given in perpetuity for the Augmentation of the Maintenance of the poor Clergy: and also the Money arising by Prizes with the Perquisites of Admiralty, which have been both applied to the uses of the War, are not inserted in this Computation, because the said Prizes cease with the War, and the Lord high Admiral hath relinquish'd his Droits of Admiralty for no longer time than the War lasts.

A STATE of the DEBTS of the Kingdom of *England. Viz.* Principal Money Borrowed on the several Funds under-mentioned, which remain at this time unsatisfied, that is to say,

	Lib.	sh.	d.
On $\frac{3}{4}$ Customs granted 3 W.&M.	21056	5	1
Additional Impositions <i>ead. anno.</i>	112474	19	10 $\frac{1}{2}$
First 1111 sh. Aid 4 W. & M.	17500		
2d. quarterly Pole 5 W. & M.	34565	13	1
Stamp Duties <i>ead. anno</i>	66949	7	8 $\frac{1}{2}$
Third 1111 sh. Aid 6 W. & M.	53603	7	3
Duties on Marriages, &c. <i>ead. anno.</i>	62516	4	
Fourth 1111 Aid 7 W.	103039		8
These are provided for by an Act of the 8th W. {			
which continues several Funds therein mentioned	471704	17	11 $\frac{1}{2}$
to the 1st of August 1706. —————			
There also remains to Discharge the Exchequer Bills, {			
issued by virtue of several Acts of Parliament (over and above 230000 l. computed to be due for	534062	9	8
Interest (the principal Sum of —————	423098	18	3
To satisfy Loans on the 1111 sh. in the pound granted 8 W. (over and above 169000 lib. by Computation for Interest) the principal Sum of ————			
To satisfy Loans on the Duties on Paper, Vellom, &c. granted for two years, from the first of March 1696 <i>anno octavo Willielmi</i> besides 6160 lib. By Computation for Interest, the principal Sum of	15400		
To Discharge the Mault Tickets issued 8 W. besides (l. 254554 for 6 years Interest) the principal Sum of —————	579000		
To satisfy Loans transferr'd to the Duties on Leather, granted 8 W. for 3 years from 20 April 1697 (besides about 105000 lib. for Interest) the principal Sum of	504438		

K

Te

	Lib.	sh.	d.
To satisfy Loans on the quarterly Pole, granted 9 W. (besides about 73000 lib. for Interest, the principal Sum of	226770	17	
To satisfy Loans on the 111 sh. in the pound granted 10 W. besides about 5200 lib. for Interest) the principal Sum of	31271	06	3½
To compleat the payment wanting at Michaelmas 1701 on the yearly Sum of 160000 lib. intended to be paid by the Act 9 W. out of certain Duties on Salt, and Stamp Vellom to the Traders to India,	70872	11	1½

Total of the principal Sum 2384914 2 4½

And the several Computations of Interest at this time due as above-mentioned amount to	914
These are provided for by an Act, 1 Anne by continuing several Funds therein-mentioned to the first of August 1710.	3227828 2 4
There is further owing on the following Fund, viz. On Low Wines, &c. Granted 13 W. for 5 years the principal Sum of	6674 10 8
Duties on Coals, &c. 2 Anne for 5 years from 14, 1703	235720 4
Tonnage and Poundage <i>ead. anno</i> for 3 years —	55236 4 6
Ditto 3 Anne for 4 years from 8 March 1704 —	545957 4 ½
Low Wines, &c. <i>ead. anno</i> until 1710. —	692000
These are Debts on Funds not yet expired, and which are reckoned sufficient to satisfy the same.	1535588 2 9½

And,

On Duties on Coals granted 9 W. for 5 years.	16000
2 ii sh. Aid 11 W.	12733 6 8
3 iii sh. Aid 12 W.	9753 12
6 IIII sh. Aid 1 A.	42299 5
Subsidys or Capitation Duties <i>ead. Anno</i>	17384 9 7

The Money retting unsatisfied on Debentures, &c. were charged on the Irish

Forfeitures about 960000

These are Deficiencies not yet provided for by Parliament. 1058270 13 3

Other Incumbrances, viz.

The 9 d. per Barrel Excise, which was granted for

Lib. sh. d.

99 years from the 25th Jan. 1692, is Charg'd with 124866 lib. per annum for Annuitys, for which there was contributed 1492379 lib. 7 sh. and there being now about 13 years expired, the Remainder of the Term may be estimated to be a present Incumbrance of

1484 55

The same IX d. p. Barrel is also charged with 7567 lib. per ann. for Annuities to the Contributors of 108100 lib. on the advantage of Survivorship till the number of the Survivors be reduc'd to seven, and then the share or seventh part of each of them as they die to revert to the Crown: This Estate has an uncertain Termination, but may be reckoned equal to a Term of thirty years, and so be an Incumbrance of about

104149

The IX d. p. Barrel Excise granted in perpetuity, is Charg'd to wit 3 parts thereof with £100000 per annum to the Bank of England for 1200000 advanced by them, this is redeemable on payment of the said Principal Sum, as in the Act is mentioned.

1200000

And the remaining 2 parts is charged with 15336 lib. 13 6 per ann. for 176744 l. 1 sh. 9. Contributed for those Annuitys which were at first purchas'd for one Life, and afterwards turn'd into Estates certain for 90 years, from 25 Jan. 1702. Which by reason of the small time elaps'd may still be reckoned an Incumbrance of

176000

And with the Sum of 20030 lib. 1 sh per ann. for such of the Contributors of 170917. 2. 3. for Annuitys for 2 Lives as are now in being, and abating out of the said Contribution Money, so much as was paid for Annuitys since fallen, the rest is an Incumbrance of

166917 2 3

And also with 2093 10 4 per ann. to such of the Contributors of 21235 lib. 4. for Annuitys for 3 Lives as are now in being, and abating out of this Contribution, so much as was paid for Annuitys of 30 lib. since fallen, there rests an Incumbrance of

20935 4

The IX d. p. Barrel Excise granted for 16 years, from the 17 May 1697, is charg'd with the payment of 140000 lib. per annum, upon Tickets commonly called the Million Lottery Tickets, for the re-

Lib. sh. d.

<p> <i>fidue of a Term which expires at Michael. 1710.</i> <i>And the said Annuity being valued for the 4 years</i> <i>and $\frac{1}{2}$ yet to come, at a Rebate of 6 per Cent. per</i> <i>ann. compound Interest is worth</i> </p>	538185
<p> <i>The 28 d. per Bushel on Salt, and the Additional</i> <i>Stamp Duties are granted in Perpetuity, and</i> <i>charg'd with the payment of 160000 lib. per An-</i> <i>num to the Traders to India, for 2 Millions advan-</i> <i>ced to the Publick, and is redeemable by Parlia-</i> <i>ment upon paying the said.</i> </p>	2000000
<p> <i>The 3700 Lib. a Week payable out of the Heredita-</i> <i>ry and Temporary Excise is charg'd with 39855</i> <i>Lib. 16 s. per Ann. for Bankers and o</i> <i>thers, who lent 1328526 Lib. to King Charles the</i> <i>2d, redeemable by Parliament upon Payment of a</i> <i>Moiety of the said Principal, which is</i> <i>And with 104745 Lib. 10 s. 6d. per Ann. for 1569664</i> <i>Lib. 18 s. 6d. contributed for Annuities for 99</i> <i>Years from Lady Day 1704.</i> </p>	664263
<p> <i>And also with 46000 Lib. per Ann. to the contri-</i> <i>buters of 690000 lib. for Annuitys for 99 years</i> <i>from Xmas 1705.</i> </p>	690000
<p> <i>The $\frac{1}{3}$ Subsidy from 8 March 1706, and the 9 d. per</i> <i>Barrel Excise (at present applicable to the payment</i> <i>of the Million Lottery Tickets) with an Additi-</i> <i>onal Supply till those Funds come in, are charg'd</i> <i>with 184242 l. 14 sh. per Ann. to the Contributors</i> <i>of 285576 l. 16 sh. 2 d. for Annuitys for 99</i> <i>Years from Lady day 1706</i> </p>	285576 16 2
	1147045 11
Total 17763842 17 3	

Memorand. That nothing is inserted in this Accompt as a Debt on any Land-Tax, or Mault-duty, which are Annual Grants, except where any of them have prov'd Deficient.

Memorand. There is a Claim made by the Assignee of the Earl of Kinoul of 17250 lib. out of the 4 and $\frac{1}{2}$ per Cent. on Account of Arrears on an Annuity of 1000 lib. incurr'd before Her Majesties Accession to the Crown.

N^o U. *sc.*

A STATE of the Publick Revenue of Scotland, as it now is, and may amount to.

Lib. sh. d.

The Excise on Ale and Beer is 2 sh. *Sterlin* per Scotch Gallon, and now Farm'd for 33500 lib. *Sterlin*, and if exacted in the same manner as in England, may amount to ————— 90000

The Customs have been Lett at 34000 lib. and are now in time of War Lett for 28500 lib. with a Condition in the Lease, That, upon a Peace, the Lords of the Treasury may Lett a new Lease, and may amount to ————— 50000

The Crown Rents about ————— 5500

The Casualties of Superiorities and Compositions at the Exchequer *communibus annis* about ————— 3000

The Post-Office Farm'd at 1194 lib. but if collected, may amount to ————— 2000

The Impositions for Coinage ————— 1500

Land Tax is now 36000 Pounds, and to make it equal with the *iiii* per Pound in England, 'tis propos'd to be ————— 48000

—————
160000

The Debts due to the Army, Civil List, and other Charges of the Government, about ————— 160000

N^o W x.

An Account of the Neat Annual Produce of the Customs in England, from a Medium of 3 years ended at Michaelmas 1705. With the respective Times or Terms, for which they have Continuance; and the Uses for which they are severally appropriated or applied, viz,

	Neat Money, p ^a Ann.
For the Civil Government	L. lb. s. d.
Customs and Subsidys of Tonnage and Poundage granted 1 ^o Anne during Her Majesties Life	253514
Several Branches not appropriated to the payment of Debts, viz.	
25 per Cent. Additional Duty on French Goods for the Remainder of a Term of 21 years from 28 Febr. 1696. is applied towards the Service of the War.	10794
Coynage Duties continues to the first June 1708, and is appropriated to the Uses of the Mint.	7350
$\frac{1}{2}$ per Cent. in specie from Barbadoes and the Leward Islands is perpetual, and applied pursuant to an Address of the House of Commons towards the support of those Islands subject also to an Annuity of 1000 lib. per Annum, To the Heirs and Assignes of the Earl of Kinnoul.	6459
Plantation Duties upon particular Commodities carried from one Plantation to another 25 ^o Caroli 2. made perpetual not appropriated to any particular Use.	877
These undermentioned are appropriated for payment of Debts, till first August 1710. Tho the said Debts Charg'd thereon, will by Computation be paid off sooner.	25480

The

The Subsidy of Tonnage and Poundage granted 12 ^o Car. 2 ^{di} .	292139
Impositions on Wines and Vinegar granted 2 ^o Ja. 2 ^{di} .	113918
Impositions on Tobacco Ditto	100338
Impositions on East India Goods Ditto	150899

Additional Impositions on several Goods and Merchandizes 4 ^o Will	38548
Several Impositions and Duties on Whale Finns, and Scotch Linnen. 9 ^o Will:	106219

Other appropriated Branches.

25 per Cent: On Muslings, &c: granted by several former Acts where by an Act 3^o Anne continued to 24 June 1710, and by that Act doubled and several new Duties thereby granted from Febr. 1704, to the said 24 June 1710. And made a Fund for Borrowing £. 700000 at an Interest of 6 per Cent. per Annum. and so much of the said Duties as is under the Mannagement of the Commissioners of the Customs, was estimated in Parliament, to amount to about per Ann. 116475

Additional Tonnage and Poundage 3^o An. for 4 years from 8 March 1704, are appropriated for the payment of Loans not exceeding 636957 lib. 40^s with Interest after the Rate of 6 per Cent. per annum. And by an Act 4^o An. Continued towards payment of Annuitys, till 30th September 1710. By the nearest Computation that can yet be made, will produce at least. 160000

Tonnage and Poundage granted, 2^o An. for three years from 8th March 1703. And thereby made a Fund of Credit for 300000 lib. at an Interest after the Rate of 5 per Cent. per annum. Afterwards, 4^o An. Continued for 98 years from 8th March 1706. Together with IX d. per Barrel Excise appropriated towards payment of 184242 lib. 14 sh. per annum in Annuitys, a Medium of the Produce thereof in the 3 years ended at Michaelmas, 1705, is 79619

Net Money per annum.

Totals for the Civil Government	253514
Unappropriated	25480
Appropriated for Debts to 24 June 1710	116475
For other Debts till 1 st August 1710	706471
For Ditto till 30 September 1710.	160000
For 98 years from 8 March 1706.	79619

Total per Annum. 1341559

Duties on Coals, Culm, and Cynders, by an Act 1st An. Continued from 14th May 1703, to 15th May 1708. And thereby charg'd with 500000 lib. and Interest by another Act 4th An. continued to 30th September 1710. And appropriated towards payment of Annuitys, those Duties are collected at the Custom-house, and by a Medinum of three years ended at Michaelmas 1705, are per annum about 110958

N. X. x.

An Account of the Proportions which the present Customs of Scotland do bear to the several Branches of that Revenue in England, exclusive of the Encrease that may arise by the higher Duties, or greater Importations after the Union.

	Lib. s. d.	Scotch Customs	Lib. s. d.
English Customs	1341559	30000	
For the Civil Govern ^{ment}	253514	Proportions,	
Unappropriated as to	25480		
any Debts			

5669

570

Ap

{ Appropriated for Debts			
{ till 24 th June 1710.	116475	— 2605	} 23761
Till 1 st . August 1710	706471	— 15798	
Till 30 th . September 1710	160000	— 3578	
{ For 89 Years from 8 th .			
{ March 1706.	79619	— 1702	
	<u>1341559</u>		300

An Account of the neat annual Produce of the Excise on Beer and Ale in England, from a Medium of three Years, ending at Michaelmas 1705, with the respective Times or Terms, for which the several Branches thereof have continuance, and the uses to which they are severally appropriated, or applied, viz.

For the Civil Government.

2 *sh.* and 6 *d.* per Barrel on Beer, Ale, &c. 15 *d.* whereof is to continue during Her Majesties Life, and the other 15 *d.* is hereditary, these during Her Majesties Life are appropriated towards defraying the Charge of the Civil Government, after a Deduction of 3700 *lib.* a Week appropriated thereout, for payment of Annuitys, and by a Medium of 3 years ended at Michaelmas 1705: The neat Produce into the Exchequer over and above the said 3700 *lib.* a Week will be

269837

For Annuities and other publick Debts.

3700 *lib.* a Week to be taken out of the hereditary and temporary Excise during Her Majesties Life, and afterwards out of the hereditary part for ever; is appropriated for payment of

L. 39855. 16. $\frac{1}{2}$ per ann. to Bankers and others for Interest, after the rate of 1.3. p. Cent for 1328526 *l.* lent to King Charles the 2d. redeemable on payment of a Moiety of the said Principal, being 664263 *l.* and for payment of

M

L.

L. 104742 l. 10 sh. 6 $\frac{1}{2}$ p. *Annum*, for 99 years from *Lady-day* 1704, for 1569664 lib. 18 sh. 6 d. contributed for Annuities.

L. 46000 per *Ann.* for 99 years from *Xmas* 1705, for 690000 lib. purchas-money contributed for Annuities.

190598 6 7. and the rest for Charges in paying the said Annuity. In all ————— } 192400

IX d. per Barrel Excise granted 4 W. for 99 years from 25 *January* 1692, is charg'd with 124866 l. per *Annum* for Annuity, for which there was contributed 1492379 l. 7 sh. and with 7567 l. per *annum*, for 108100 l. advanced for Annuity on the Advantage of Survivorship by a Medium of the neat Produce into the Exchequer in the said three years, is ————— } 150106

Another IX d. p. Barrel 5 W made perpetual, is appropriated as follows, viz.

$\frac{5}{7}$ Thereof for payment of 100000 lib. per *annum*, to the Bank of England for 1200000 lib. advanced by them, which is redeemable on paying the principal Sum, as in the said Act is mentioned. And, $\frac{2}{7}$ With 15336 lib. 03. 6 *er annum* for 176744 lib. 1. 9 Contributed for Annuity, which were at first purchased for single Lives, and afterwards turn'd into Estates certain for 89 years from 25th *Jan.* 1702.

And also with 200 30 lib. 1 sh. per *annum*, for 170917 lib. 2 sh. 3 d. advanced for Annuity for two Lives.

And also with 2093 lib. 10 sh. 4 d. p. *annum* for 21235 l. 4 sh. Contributed for Annuity, for three Lives, the produce of the IX d. by a Medium of the said 3 years is ————— } 150094

And one other IX d. per Barrel for 16 years from 17 May, Continued 4^o A from 17th. May 1713. for 95 years; is appropriated for paying 140000 lib. per *annum* on Million Lottery Tickets, for the remainder of a Term of 16 years, which will end at Michael: 1710, and afterwards towards paying Annuity amounting to 184242 lib. 14 sh. p. *ann.* purchas'd for 99 Years from *Lady-day* 1706. The neat produce of this IX d. (which contains some Additional Dutys on Brandy, &c. not granted)

by

by the two former Acts) from a Medium of the
said three years is 159898

Low Wines and Spirits of the first Extraction, con-
tinued by an Act 4 A. from 25th. March 1706
to 24th. June 1710. are appropriated towards re-
payment of 700000 lib. authoriz'd to be borrow-
ed as well upon Credit of these Duties as upon an
Additional Duty of 15 lib. p. Cent. on Muslines,
&c: The neat Produce hereof by a like Medium
is, 25267

Total 677765

Out of which to be deducted, so much as by the a-
foregoing neat Produce will be more than suffici-
ent to pay the above-mentioned Annuity, viz.

A Superplus of the IX d. p. Barrel for the remain-
der of 99 years from 25th Jan. 1692. — 17673

A superplus of the IX d. for the Bank and }
others. 12634

A superplus of the Lottery IX d. continu-
ed for Annuity with the $\frac{1}{2}$ d. Subsidy }
of Tonnage and Poundage. 55274 6

All which are unappropriated and amount to 85581 6

And then the Total of the several Branches of Ex-
cise appropriated for payment of Debts is p. ann. 592183 14

N^o Y x.

An Account of the Proportions which the present Excise upon Liquors in Scotland doth bear to the several Branches of that Revenue in England, exclusive of the Encrease that may arise by the higher Duties, or greater Consumption after the Union.

	Lib.	sh.	d.	
<i>English Excise p. Ann.</i>	947602.			<i>Scotch Excise p. An.</i> 33500
For the Civil Government	269837.			Proportions
Superpluses unappropriated	85581. 6.			9539.
				3025.

Appropriated for Debts.

L. 3700 a Week for payment of Annuities for 99 years and in perpetuity redeemable by Parliament.	192400	6802	
IX d. per Barrel for the Remainder of 99 years from 25 Jan. 1692.	132433	4682	
IX d. per Barrel for the Bank, &c.	137460	4861	20936
IX d. per Barrel for payment of Lottery Tickets, and afterward for Annuitys. —	104623	14 369	
Low Wines till 24 June 1710	25267	893	

 947602

 33500

If

Nº Z x.

If the Customs of Scotland, now Lett at 30000 Lib. per Annum, according to the Stating of the Equivalent, do's contribute Annually, viz.

Towards	Payment of the Debts of England	23761
	Civil List	5669
	The general Expence or Charge of the Nation	570
		30000

Every 1000 Lib. Encrease on the said Customs will contribute to the aforesaid Services, viz.

Towards	Payment of the Debts of England	792
	Civil List	189
	The general Expence or Charge of the Nation	19
		1000

If the Excise of Scotland now Lett at 33500 Lib. per Ann. according to the Stating of the Equivalent, do's contribute Annually, viz.

Towards	Payment of the Debts of England	20936
	Civil List	9539
	The general Expence or Charge of the Nation	3025
		33500

Every 1000 Lib. Encrease on the said Excise will contribute to the aforesaid Services, viz.

Towards	Payment of the Debts of England	625
	Civil List	285
	The general Expence or Charge of the Nation	90
		1000

In pursuance of the Order of the Lords Commissioners of both Kingdoms, on the 22d. Instant, for signing the Books of Journals, the same are accordingly Sign'd this 25th. Day of July 1706, By us

David Nairn.

Geo. Dodington.

N

OVERTURE

N^o A. xx.

OVERTURE

Concerning the Debts of the African and Indian COMPANY.

ORDERED, That the *Directors* of the *African Company*, shall be-
twixt and the day of next,
Frame and State a particular Accompt of all the Monies advanced by the Proprietors of the said Company, with the Annualrents of the same, from the respective Terms of payment to the first of May next, which Accompt shall bear the Names and Designations of the several Proprietors, and the place and page of the Book or Books, out of which the same is Extracted.

As also, That the said Accompt shall bear all the Transfers that have been made, and marked in the *Companies* Books, by any of the Proprietors, with the Names and Designations of the Assignees, and mark also the Book and Page out of which these are Extracted.

Ordered, That the said *Directors* shall also frame and state an particular Accompt of the Debts due by the said Company, with the Annualrents thereof (where the Debts bear Annualrent) that shall be resting at the first day of May next: Which Accompts shall bear the Names and Designations of the Creditors, and the Books and Pages out of which they are Extracted:

Ordered, That the *Directors* of the said Company do also make an Inventory of the Books belonging to the said Company, containing the Titles and Numbers of the said Book, and also an account of all the Effects belonging to the said Company.

Ordered, That the said Accompts, and Inventory of Books and Effects above-mentioned, being subscribed by the *Preses* of a *Quorum* of the *Directors*, and the Secretary or Clerk to the said Company, shall be delivered in to the Lord Clerk Register to lie in the Records; and that the said Lord Clerk Register shall be obliged to give all the Proprietors, and Creditors to the said Company, mentioned in the said Accompts, their Assignees and others having Right from them, Extracts subscribed by him, or Deputies appointed by him for that effect, of the several shares of Stock and Interest, and Debts stated in the said Accompt, and that gratis.

Ordered, That there be a Warrant granted by the Parliament for
summar

summar Diligence by Horning and Caption against the *Directors* of the said *Company* for framing, stating, and giving in the said Accompts, and Inventory of Books and Effects subscribed as above-mentioned.

Ordered, That the Books and Vouchers of the *Company* be exhibited to the Commissioners to be named by Her Majesty, for disposing of the Equivalent, or any appointed by them, as oft as they shall so require: And that the Clerks, and all Havers of the saids Books and Vouchers may be called summarly by the saids Commissioners for Exhibition before themselves; and if need beis, Letters of Horning be direct upon their Warrant for that effect: And also, that the Lord Clerk Register, and the said Commissioners, or any by them appointed, shall not only have free access to inspect, but Liberty to Copy these Books, or any part thereof, as they shall think fit, to the end, that the saids Accompts, and Inventars of Goods and Books may be compared with the said Books.

Ordered, That the Sum to which the said Accompts of Stock and Debts with their Annualrents shall amount, not exceeding the Sum of two Hundred Fourty Three Thousand one Hundred sixty six *lib. 3 sh. sterl.* shall be by the Commissioners to be named by Her Majesty for applying of the Equivalent, conform to the Articles of the Union, consigned in the Hands of a Cash keeper, one or moe, to be named by Her Majesty for that effect, to be distributed to the several Proprietors, Creditors to the *Company*, and others having Right from them, according to their respective shares stated in the said Accompts and Books to which they relate.

Ordered, That the said Cash-keepers, one or moe to be named in manner foresaid shall find Caution at the sight of the Commissioners to be named by Her Majesty for applying of the Equivalent in the terms, and to the effect the Cash-keepers of the *African Company* formerly did find Caution.

Ordered, That how soon the saids Commissioners for disposing the Equivalent, shall receive the Sum of *lib. 398085. 10 sh.* which is to be payed to *Scotland* by the 15th Article of the Treaty of Union of the Kingdoms of *Scotland* and *England*, or so much thereof as may answer to the Damage that private persons may sustain by rectifying the Coyne of this Kingdom, and to the Sum to which the Capital Stock, Debts of the said *Company*, and Interest thereof shall amount to, conform to the said Accompts; That then the said Commissioners shall be obliged, and are hereby strictly required furthwith, and without delay to consign the said Sum, Principal and Interest contained in the said Accompts, in the Hands of the Cash-keepers, one or moe to be appointed as above.

Ordered, That in case the said Commissioners for disposing the Equivalent, shall delay or postpone to consign as above appointed, sum-

mar Diligence shall be allowed against the said haill Commissioners, *in solidum*, by Horning and Caption, whereof no Suspension shall passe by any Judge or Judicatory, but upon Consignation or Performance as aforesaid.

Ordered, That the said Diligence shall be raised and execute against the said Commissioners, at the Instance of any person to be named between and the said day, by the Council and Directors of the said Company.

Ordered, That how soon the said Sum of *lib. 398085 10 sh. sterl.* mentioned in the foresaid Article of the Treaty, shall be payed in to the Commissioners, or so much thereof as will be needful for repairing the Loss in reducing the Coin of this Kingdom to the Standart of England, and refounding the said Capital Stock, Debts and Annual-rents to the said Company, conform to the above Accompt, That immediately thereafter a Proclamation of Council be issued intimating the same.

Resolved, That the said Cash keeper, one or moe their Receipt or Discharge of the saids Sums contained in the said Accompts, shall be a sufficient Exoneration to the Commissioners for disposing of the Equivalent. And that the said Discharge be by the said Commissioners immediately after the same is granted, given in to be registrate in the Books of Council and Session, and that an Extract of the said Discharge be furthwith presented by the said Commissioners to the Privy Council, and that thereupon the Privy Council shall immediately issue a Proclamation to be published at the Head-burghs of the several Shires, intimating that the said Sums are consigned in the said Cash-keepers hands.

Ordered, That after the foresaid Money shall be paid in to the said Cashier to be distributed and paid in manner foresaid, That the whole Books of the Company according to the Inventory appointed to be made in manner above-mentioned shall be delivered to the Lord Clerk Register to lye in the Records, and to be made patent to the saids Commissioners to be named by Her Majesty for disposing of the Equivalent, and all others having Interest.

Ordered, That after the said Proclamation, the Cashiers one or moe shall be bound, and are hereby strictly ordered and required, To make ready and effectual payment without abatement to the Proprietors and Creditors of the said Company, their Assignees and others having Right from them of their respective Stocks and Debts, and Interest of the same, as contained in the Accompts above-mentioned, or Extracts thereof upon valid Discharges bearing absolute Warrantice.

Ordered, In case the said Cashier or Cashiers shall delay making due and ready payment to the said Proprietors and Creditors above-mentioned of their respective Shares, Then the said Proprietors or Creditors, and others deriving Right from them, shall upon an Extract of

a Particle of the saids Accompts in so far as concer nthe said particu-
lar Proprietors or Creditor, or upon the Receipts formerly granted
by the Cashiers of the said Company, have Letters of Horning and
all other Execution as is allowed upon forreign Bills of Exchange a-
gainst the said Cashier or Cashiers, and his or their Cautioner.

Ordered, That the said Cashier or Cashiers shall keep an exact Ac-
compt of all the payments they make, and insert the same in a Book
for that effect all the particular Receipts and Discharges which they
shall get from the Proprietors and Creditors, or others foresaid.

Ordered, That for preventing Frauds and Abuses, that none of the
Commissioners of the Equivalent, or the Cashier or Cashiers afore-
said shall by themselves or others in their name, or to their behoof,
make any Bargain or Transaction for any Share of the said capital
Stock or Interest directly or indirectly, and that under the pain of
Usury and Infamy.

Ordered, That the Debts due to the *African, &c. Company* by
the Proprietors on account of the Moieties called for and not paid
in, or on Account of their Subscription, Money be discharged.

Ordered, That the Effects belonging to the Company to be con-
tained in the foresaid Inventory upon paying in the foresaid Sum an-
swerable to the Capital Sum advanced by the Proprietors of the *A-
frican Company*, and to the Debts due by the said *Company*, and to the
Interest of the said Capital Stock and Debts, conform to the Ac-
compts appointed to be made of the same to the Cashier to be named
for that effect in manner above-written, shall belong to Her Majesty,
and be applyed by the foresaid Commissioners of the Equivalent, to
the same Uses to which the other Sums to be paid to *Scotland* conform
to the foresaid 15th Article are appointed to be applyed.

Resolved, That an Act be brought in, warranting and appointing
Diligence to pass in the terms of the above Orders, against the Com-
missioners of the Equivalent and the Cashiers aforesaid, as also prohi-
biting and discharging the said Commissioners or Cashiers to make any
Bargain or Transaction for any part of the Capital Stock or Interest
of the said Sum as above-mentioned.

N^o Bxx.

A PROCLAMATION.

Against all Tumultuary and Irregular Meetings and Convocations of the Liedges.

ANNE by the Grace of GOD, Queen of Great-Britain, France, and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren Heralds, Pursevants, Macers, and Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially Constituted, Greeting: *Forasmuch as*, albeit the raising of Tumults, and making Convocations within Burgh, and the Riotous and Disorderly Assembling and Continuing in Arms, thereby Insulting the Magistrates, and hindring them in the Execution of their Office, and hindring of the common Law, be contrary to sundry Laws and Acts of Parliament, as well as destructive of the Ends of Government, and particularly to *Parl. 14. Cap. 77. Ja. 2. Ja. 4. Parl. 3. Chap. 34. Ja. 6. Parl. 18. Chap. 17.* As also the rising in Arms, Convocating Our Liedges in the open Fields, and Marching in formed Bodies armed through the Countrey, and entering into Our Royal Burghs bouden in Fier of Weir, and entering into Bonds, Leagues, and Associations, for prosecuting illegal and unwarrantable Ends, be, by several Laws and Acts of Parliament, Declared to be open and manifest Treason, and the Committers, Abettors and Assistants in such Crimes and Practices, ought to be prosecuted, and may be punished as Traitors to Her Majesty and Her Government; and particularly by *Parl. 2. Ja. 1st. Chap. 37. Ja. 2. Parl. 6. Chap. 14. Ja. 6. Parl. 12. Chap. 144. Cha. 2. Parl. 1st. Session 1st. Chap. 3.* Yet nevertheless We and our Estates of Parliament are certainly informed, that in several Corners of the Realm, and particularly in Our Burgh of *Glasgow*, and other places within the Sheriffdom of *Lanerk*, and in Our Burgh of *Dumfries*, and other places adjacent, People have presumed, in manifest Contempt of the forelaid Laws, to assemble themselves in open Desyance of Our Government, and with manifest Design to overturn the same, by insulting the Magistrates, Attacking and Assaulting the Houses of Our peaceable Subjects, continuing openly in Arms, and marching in formed Bodies through the Countrey, and into Our Burghs, and insolently burning, in the face of the Sun, and presence of the Magistrates, the Articles of Treaty betwixt Our

two

two Kingdoms. entred into by the Authority of Parliament, and even after the said Articles had been presented to Us, and were under the Consideration of Us and Our Estates presently sitting in Parliament, and some Progress made thereupon; And such Crimes and Insolencies being no ways to be Tolerated in any well governed Nation; But on the contrary, ought to be condignly punished conform to the Laws above-mentioned, and other Acts of Parliament made thereanent, especially if persisted and continued in after Our Displeasure therewith shall be made known: *Therefore*, We with Advice and Consent of the Estates of Parliament, peremptorly Require and Command all, and every person who have assembled themselves in manner above-mentioned, to lay down their said Arms, and disperse themselves, and peaceably and quietly to Retire, and betake themselves to their several Habitations, and Employments; And We with Advice foresaid, Prohibite and Discharge any Assembling or Convocating in Arms in manner foresaid, under the pains contained in the Acts of Parliament above-mentioned, Certifying all that shall be Guilty Actors, Abbetors, or Assistants in Convocating or Assembling in Arms, or these who shall Convocat and commit these Practices above-mentioned, shall be Treated and Pursued as open Traitors & the pains of Treason execute upon them accordingly; And in case any of Our People shall dare to be so Presumptuous, after publication of the Premises, to Assemble or continue in Arms; We hereby Require and Command the Sheriffs of Our several Shires, Stewarts of Stewartries, Baillies of Regalities and Baronies, Magistrates of Burghs, and other Officers of Our Law, Officers of Our Forces, and Troops under their Command, to pass upon, disperse & subdue the said Convocation by open Force, and all manner of Violence, as Enemies & open Rebels to Us and Our Government; And in case any Slaughter, Blood, Bruises, or Mutilation shall happen to be done, and committed by Our said Sheriffs, and Officers of Our Forces, and other Magistrates foresaid, or persons under their Command; We with Advice foresaid, do hereby fully Remit, Pardon and Indemnifie the same, and discharge the Prosecution thereof Civilly or Criminally in all time coming. *Our Will is heresore*, and We charge you, that ye pass to the Mercat-Cross of *Edinburgh*, and the Mercat-Crosses of *Dumfries*, *Lanerk* and *Glasgow*, and other places needful, and there make Publication hereof, by open Proclamation of the Premises, that none pretend Ignorance. And Ordains these presents to be printed, and Our Solicitors to send Copies hereof to the Magistrates of the respective Burghs above-mentioned for that effect. Extracted furth of the Records of Parliament, by

J^A. MURRAY, Cls. Reg.

[GOD Save the Queen.]

N^o Cxx.

MEMORANDUM

For the Honourable Estates of Parliament.

P*rimo*, It is humbly intreated, That in case the Union be concluded, that for preserving the Peace of the Nation and Redressing of Grievances of the Church, the Privy Council may be continued, or some Court Established for judging in such Cases as were formerly judged by the Council, and this Church may correspond with them for Fasts and Thanksgivings. *Secundo*, The Interests of diverse Heretors, as well as the Exigents of the Church will require, that there be some fixed Court to do the Work of the Commission for Plantation of Kirks and Valuation of Teinds, which is the more necessary, in respect of the great prejudice the Church has sustained for want thereof, and that this Court be empowered to make up the Registers of the Commissions of former Parliaments that were burnt in the great Fire in *Edinburgh*. *Tertio*, Seeing the Terms of an Oath should be clear, that it may be taken in Truth, in Righteousness and Judgment; It is desired, That if the *English* Abjuration Oath be required of *Scots-Men*, the Words may be made plain and clear without reference to *English* Statutes, which are not known here, and that what the Taker of the said Oath is to be obliged to, be expressly insert in the said Oath, and that the same be agreeable to our known Principles. *Quarto*, Seeing upon the event of an Union there ought to be a Communication of all Privileges and Advantages which do or may belong to the Subjects of either Kingdom: It is intreated, That due Provision be made, that in case of any Union *Scots-Men* may be capable of places of Power and Trust in all places of *Britain*, without any Obligation to take the *English* Sacramental TEST; for that, besides what may be said of the Danger that way to prophane that Holy Ordinance, it may prove a Temptation to divers to conform, who otherways would not do it, and this way by degrees bring in Corruption to this Church. *Quinto*, Seeing the Ecclesiastical Supremacy claimed some time by the Sovereigns in this Land, was such an Encroachment on the Prerogative of our Lord JESUS CHRIST, the alone Head and King of His Church, and had such sad Consequences, and is now so happily rescinded: It is humbly intreated, that all possible Security be provided against the reassuming of it in after time.

Act

N^o D x x.

ACT against all Musters and Rendezvous during the present Session of Parliament.

Novemb. 30. 1766

OUR Sovereign Lady, Considering, that by the 3^d. Act of the 2^d. Session of this Parliament, Intituled, *Act for Security of the Kingdom*, It is Statute and Enacted that the whole Protestant Heretors, and all the Burghs within the same, shall forthwith provide themselves with Fire Arms for all the Fencible Men, who are Protestants, within their respective Bounds, and the said Heretors and Burghs are thereby impowered and Ordained to Discipline and Exercise their Fencible Men once in the Month at least; And also considering that the Disorderly and Seditious Meetings and Tumults in some places in the Countrey, do make it necessary at this Occasion to suspend the Effect of the foresaid Clause during this Session of Parliament allennarly. *Therefore*, Her Majesty, with Advice and Consent of the Estates of Parliament, doth hereby suspend the Effect of the foresaid Clause, and that during this Session of Parliament allennarly. *And further*, Her Majesty with Advice and Consent foresaid, Discharges and strictly prohibites the Subjects of this Kingdom to meet and assemble together in Arms after the Publication hereof, upon any Pretence what'oever, during the space foresaid, without Her Majesties special Command, or expresse Licence had or obtained thereto. And Requires and Commands all the Subjects of this Kingdom to retire to their own Habitations and lawful Employments; Certifying such as shall do in the contrary, that they shall be lyable to the Pains of High Treason, conform to the Laws and Acts of Parliament made against unlawful Convocations and rising in Arms.

N^o F. xx.

IN the Parliament Monday 4th November 1706, a Vote was stated in thir Terms, Approve of the First Article of Union in the Terms of the Motion mentioned in the preceeding days Minuts, Vtz. That if the other Articles of Union be not adjusted by the Parliament, then the agreeing to and approving of the First, shall be of no effect; and that immediately after the said first Article, the Parliament will proceed to an Act for Security of the Doctrine, Discipline, Worship and Government of the Church, as now by Law Established within this Kingdom, and it carried Approve, in the Terms of the above Motion, and the List of the Members as they Voted Pro and Con, (ordered to be printed) is as follows.

APPROVERS of the Nobility.

The Lord Chancellor	Dalhousie	Illy.
Marq. of Montrose P.S.C.	Leven	Vicounts.
Duke of Argyle	Northesque	Duplin
Marquess of Fweddale	Belcarras	Garnock.
Marquess of Lothian.	Forfar	Lords.
Earls.	kilmarnock	Forbes
Mar Sec.	Kintore	Elphinstoun
Lowdown Sec.	Dunmore	Kels
Crawford	Marchmont	Torphichen
Sutherland	Hyndfoord	Frazer
Roths	Cromarty	Banff
Mortoun	Stair	Elibank
Eglintoun	Roseberry	Duffus
Roxburgh	Glasgow Ther. Dept:	Rollo
Haddingtoun	Hoptoun	Lord Register
Galloway	Delorain	Lord Justice Clerk
Weymes		

Of the Barrons.

Sir Robert Dickson of Inverask	William Bennet of Grubbet
William Nisbet of Dirletoun.	Mr. John Murray of Bowhill
Jo. Cockburn younger of Ormiston	Mr. John Pringle of Haining
Sir John Swintoun of that Ilk	Will: Morison of Prestoungrange
Sir Alexander Campbell of Cefnock	George Baillie of Jerviswood
Sir William Ker of Greenhead	Sir John Johnston of Westerhall
Archibald Douglass of Cavers	William Douglass of Dernock

Mr,

Mr. Will: Steuart of Castle-stewart
 Mr. John Steuart of Sorbie
 Mr. Francis Montgomery of Giffan
 Mr. Will. Dalrymple of Glenmuir
 Mr. Robert Steuart of Tillicoultry
 Sir Robert Pollock of that Ilk
 Mr. John Montgomery of Wrae
 John Hadden of Glenagies
 Mungo Grahame of Gorthy
 Sir Thomas Burnet of Leyes
 Will. Seton younger of Pitmedden
 Alexander Grant younger of that Ilk

Sir Kenneth Mackenzie
 Mr. Aeneas Mackleod of Catboll
 Mr. John Campbell of Mammore
 Sir James Campbell of Auchinbreck
 Ja. Campbell younger of Ardkinglass
 Sir William Anstruther of that Ilk
 James Halyburton of Pitcurr
 Alexander Abercrombie of Glassloch
 William Maxwell of Cardinefs
 Mr. Ja. Dumbar yor. of Hemprige
 John Bruce of Kinross.

Of the Burrows.

Sir Patrick Johnstoun
 John Scrymfour
 Lieutenant Coll. Jo. Areskin
 John Muir
 James Scot
 Patrick Bruce
 Sir John Areskine
 James Spittle
 Mr. Patrick Moncrieff
 George Monro
 Sir Andrew Home
 William Coltran
 Sir Peter Halket
 Sir James Smollet
 Mr. William Carmichael
 Captain Daniel Mackleod
 Sir David Dalrymple

Sir Alexander Ogilvie
 Mr. John Clerk
 John Rofs
 Sir Hugh Dalrymple
 Mr. Patrick Ogilvie
 George Allardice
 William Alvis
 Mr. Roderick Mackenzie
 John Urquhart
 Sir James Steuart
 Daniel Campbell
 Sir Robert Forbes
 Mr. Robert Douglass
 Mr. Alexander Maitland
 Mr. George Dalrymple
 Mr. Charles Campbell.

Sic Subscribitur Seafield Cancellar. A. P. D. R.

N O E'S *of the Nobility.*

Duke of Hamilton
 Duke of Athole
 Marquess of Annandale.
Earls.

Errol
 Marischal
 Buchan
 Glencairn
 Wigfoun
 Strathmore
 Selkraig
 Kincardin.

Viscounts.
 Stormount
 Kilfyth.
Lords.

Semple
 Oliphant
 Balmerino
 Blantyre
 Bargany
 Beilhaven
 Colvil
 Kinnaird.

Of the Barrons.

George Lockhart of Carnwath
 Sir James Foulis of Colingtoun

Andrew Fletcher of Saltoun
 Sir Rob. Sinclair of Longformacus

Sr Patrick Home of Rentoun
 Sir Gilbert Eliot of Minto
 William Baillie of Lamingtoun
 John Sinclair yor. of Stevenson
 John Sharp of Hoddam
 Mr. Alexander Ferguson of Isle
 Jo. Brisbane younger of Bishoptoun
 Mr. Will: Cochran of Kilmaronock
 Sir Humphrey Colquhoun of Lufs
 Sir John Houstoun of that Ilk
 John Grahame of Killairn
 James Grahame of Bucklyvie
 Thomas Sharp of Houstoun
 Sir Patrick Murray of Auchtertyre
 John Murray of Strowan

Sir David Ramsay of Balmain
 Alexander Gordon of Pitlurg
 James More of Stoniewood
 John Forbes of Colloden
 David Bethune of Balfour
 Mr. Thomas Hope of Rankeilor
 Mr. Patrick Lyon of Auchterhouse
 Mr. James Carnagie of Phinhaven
 David Grahame younger of Fintrie
 James Ogilvie younger of Boyn
 Alexander Mackgie of Palgoun
 Sir Henry Innes younger of that Ilk
 Alexander Douglass of Eagleshaw
 Mr. George Mackenzie of Inchoulter

Of the Burrows,

Robert Inglis
 Alexander Robertson]
 Walter Stewart
 Alexander Watson
 Hugh Montgomery
 Alexander Edgar
 John Black
 James Oswald
 Robert Johnstoun
 Alexander Duff
 Francis Molison
 Walter Scot
 George Smith
 Robert Scot
 Robert Kellie

John Hutcheson
 Mr. William Sutherland
 Archibald Sheils
 Mr. John Lyon
 Mr. Dougal Steuart
 George Brodie
 George Spence
 Sir David Cuninghame
 Mr. William Johnstoun
 Mr. John Carruthers
 George Home
 Mr. James Bethun
 John Bayne
 Mr. Robert Frazer.

Sic Subscribitur Seafield Cancellar. I. P. D. P.

N^o E. x.

This belongs to Minutes 46.

IN the Parliament the 27 of December 1706, a Vote was stated, *Approve of a Proclamation Discharging Unwarrantable and Seditious Convocations and Meetings, Yea or Not*, and it carried *Approve*; and the List of the Members Names as they voted *Approve or Not* (ordered to be Printed) is as follows:

APPROVERS of the Nobility.

Marq: of Montrose P.S.C.	Haddingtoun	Glasgow Ther. Dr.
Duke of Argyle	Galloway	Hoptoun
Marquess of Tweeddale	Dalhousie	Delorain
Marquess of Lothian.	Findlater	Illy.
Earls.	Leven	Lords.
Mar Sec.	Northesque	Forbes
Lowdown Sec.	Belcarras	Elphinstoun
Crawford	Forfar	Ross
Sutherland	Kilmarnock	Torphichen
Roths	Kintore	Frazer
Mortoun	Dunmore	Banff
Glencairn.	Marchmont	Duffus
Eglintoun	Cromarty	Lord Register
Abercorn	Stair	Lord Justice Clerk.
Roxburgh	Roseberry	

Of the Barons.

Robert Dundas of Arnistoun.	Mr. Francis Montgomery of Giffan
Sir Robert Dickson of Inverask	Mr. Will. Dalrymple of Glenmuir
William Nisbet of Dirlotoun.	Mr. Robert Steuart of Tillicoultry
Jo. Cockburn younger of Ormiston	Sir Robert Pollock of that Ilk
Sir John Swintoun of that Ilk	Thomas Sharp of Houstoun
Sir Alexander Campbell of Cefnock	Mr. John Montgomery of Wrae
Sir William Ker of Greenhead	John Hadden of Glenagies
Sir Gilbert Eliot of Minto	Mungo Grahame of Gorthy
Archibald Douglass of Cavers	Sir Thomas Burnet of Leyes
William Bennet of Grubbet	Will. Seton younger of Pitmedden
Mr. John Murray of Bowhill	Hugh Ross of Kilravock.
Mr. John Pringle of Haining	Mr. John Campbell of Mammore
Will. Morison of Prestoungrange	Sir James Campbell of Auchinbreck
Sir John Johnston of Westerhall	Ja. Campbell younger of Ardkinglass
William Douglass of Dornock	Sir William Anstruther of that Ilk
Mr. Will: Steuart of Castle-stewart	James Halyburton of Pitcurr
Mr. John Steuart of Sorbie	

Q

Alex.

Alexander Abercrombie of Glassloch
William Maxwell of Cardinefs

Alexander Douglass of Egilth aw
John Bruce of Kinrofs.

Of the Burrows.

Sir Patrick Johnstoun
John Scrymfour
Lieutenant Coll. Jo. Areskin
John Muir
James Scot
Sir John Ankruther
Sir John Areskine
James Spitle
Mr. Patrick Moncrieff
Sir Andrew Home
Sir Peter Halket
Sir James Smollet
Mr. William Carmichael
Mr. William Sutherland
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie

Mr. John Clerk
John Rofs
Sir Hugh Dalrymple
Mr. Patrick Ogilvie
George Allardice
William Alvis
Mr. James Bethun
Mr. Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr. Robert Douglass
Mr. Alexander Maitland
Mr. George Dalrymple
Mr. Charles Campbell.

Sic Subscribitur Seafield Cancellar. I. P. D. P.

NOES of the Nobility.

Duke of Hamilton
Duke of Athole
Marquess of Annandale.
Earls.

Errol
Marischal
Wigtoun
Selkirk

Viscounts.

Stormount
Kilfyth.

Lords.

Saltoun
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvil
Kinnaird.

Of the Barons.

George Lockhart of Carnwath
Sir James Foulis of Colingtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Rob. Sinclair of Longformacus
Sir Patrick Home of Rentoun
William Baillie of Lamingtoun
John Sinclair yor. of Stevenson
Mr. Alexander Ferguson of Isle
Jo. Brisbane younger of Bishoptoun
Mr. Will. Cochran of Kilmaronock
Sir John Houstoun of that Ilk
James Grahame of Bucklivie
Robert Rollo of Powhouse
Sir Patrick Murray of Auchtertyre

John Murray of Strowan
Alexander Gordon of Pitlurg
John Forbes of Colloden
David Bethune of Balfour
Major Henry Balfour of Dunboig
Mr. Thomas Hope of Rankeilor
Mr. Patrick Lyon of Auchterhouse
Mr. James Carnegie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boyn
Alexander Mackgie of Palgoun
James Sinclair of Stempster
Sir Henry Innes younger of that Ilk
Mr. George Mackenzie of Inchoulter

Of

Of the Burrows,

Alexander Robertson
Walter Stewart
Alexander Watson
James Oswald
Alexander Duff
Francis Molison
George Smith
Robert Scot

Robert Kellie
Archibald Sheils
Mr. John Lyon
Sir Robert Anstruther
Sir David Cuninghame
Mr. John Carruthers
George Home
John Bayne

Sic Subscritur Seafeld Cancellar. I. P. D. P.

N^o G x x:

Threatning Letter to the Duke of Queensberry in the time of the Rabbles at Edinburgh, and the carrying on the Treaty.

One Subscribed thus.

To his Grace the Duke of Queensberry Her Majesties High Commissioner to the Parliament of Scotland.

May it please your Grace.

I Could not have Peace in my own Mind Night or Day, until I made this Discovery of a Plot, so closly laid against your Grace, that the World could not have discovered, unless it had pleased God thus to touch my Conscience, or some others of the Conspirators; Wherefore I shall give your Grace a short Account of the true Matter of Fact, without the least Dissembling. Upon *Thursday* last at 12 a Clock at Night, there came a Gentleman to my Houe, who whisper'd in mine Ear while I was in Bed, to go along with him in all haste, so I got up out of Bed and went with him, he led me into a Chamber, where I met Seven other young Men, who welcom'd me to the place, and after a little Talk, told me they were upon a Business which they could not effect without me, which was to dispatch that Treacherous Devil the Commissioner (so they were pleased to call your Grace) I, God forgive me, joyned with them heartily, whereupon they produced a Paper, containing a most horrid Oath,

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where-

whereby they bound themselves to Assassinate your Grace the first day the Parliament sat after New-years-day, and that they should rather be burned alive than discover their Fellows ——— Two and Twenty has subscribed this Oath with their Blood.

They said they wanted only Two to compleat their Number for the Work, they desiring to have Twenty Four concerned in it, some of these your Grace would little suspect, but these that are to be the main Actors, are the most graceless debauch'd Wretches in the World, that fear neither God nor Man, some of them are to be cloathed in the Highland Dress, one in the Habit of a Beggar with a false Beard, six of them are to be in the Habit of Baxters, that by this means they may with the more ease raise the Rabble, one of those in Highland Dress is to stand on your left hand as you come out of the Parliament-House, with a naked Dark beneath his Plaid to stab your Grace; But if he has no Opportunity for Action, then the Beggar is to attend your Coach with a Pistol beneath his Rags, which he is to fire at your Grace, at which the Baxters are to raise the Rabble with their Crys, which they think will soon be done; Then lest your Grace should escape with Life, they are to take care to get the *Nether-Bow* Port closed in spite of the Guards: Their next design is upon the Chancellor, *Philipbaugh*, and some others; After repeated Oaths of Secrecie we parted about 3 a Clock this Morning, and I came home, but perplexing Thoughts so Tormented me, that I could neither Sleep, Eat or Drink till I eased my Mind with this Discovery. If your Grace will assure me of Pardon, and that you will obtain me a Remission from the Queen for this and an other Crime, which the Conspirators will alledge for revenge I was guilty of ten Years ago abroad, I will come to your Graces Lodging and make a full Discovery of this whole Design, and let your Grace see their Names written with their own Hands, and with their own Blood, for they put so much Trust in me, as that they gave it me in keeping; Your Grace may take your own Method in making it known, if you will pardon me and protect me; which if your Grace do, I shall not fail to perform my Promise, and tell your Grace other Circumstances than can recite here.

Dec. 20. 6 at Night
1706.

*I am, may it please your Grace,
Your Graces Humble Servant*

There were several other Letters, some to Bully and Insult the Commissioner, some pretending to Caution him, but his Grace took no notice of any of them, nor did he ever omit going to the Parliament-house, or pursue the Affair: then in Hand, notwithstanding these Insults.

AD

N^o H. x. x.

*An Act for Securing the Church of England
as by Law Established.*

WHereas by an Act made in the Session of Parliament held in the Third and Fourth Year of Her Majesties Reign, whereby Her Majesty was Impowered to appoint Commissioners, under the Great Seal of England, to Treat with Commissioners to be Authorized by the Parliament of Scotland, concerning an Union of the Kingdoms of England and Scotland, It is Provided and Enacted, that the Commissioners to be Named in pursuance of the said Act should not Treat of or concerning any Alteration of the Liturgy, Rites, Ceremonies, Discipline or Government of the Church as by Law Established within this Realm; And whereas certain Commissioners appointed by Her Majesty in pursuance of the said Act, and also other Commissioners nominated by Her Majesty by the Authority of the Parliament of Scotland, have met and agreed upon a Treaty of Union of the said Kingdoms; Which Treaty is now under the Consideration of this present Parliament: And whereas the said Treaty (with some Alterations therein made) is ratified and approved by Act of Parliament in Scotland; And the said Act of Ratification is, by Her Majesties Royal Command, laid before the Parliament of this Kingdom: And whereas it is reasonable and necessary, that the true Protestant Religion professed and Established by Law in the Church of England, and the Doctrine, Worship, Discipline and Government thereof, should be effectually and unalterably secured; Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by Authority of the same, That an Act made in the Thirteenth Year of the Reign of Queen Elizabeth, of famous Memory, Intituled, *An Act for the Ministers of the Church to be of sound Religion*: And also another Act made in the thirteenth year of the Reign of the late King Charles the second, Intituled, *An Act for the Uniformity of publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the Form of Making, Ordaining and Consecrating Bishops, Priests and Deacons in the Church of England* (other than such Clauses in the said Acts, or either of them, as have been Repealed or Altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliaments now in Force for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline and Government thereof, shall remain and be in full Force for ever.

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And

And be it further Enacted by the Authority foresaid, that after the Demise of Her Majesty (whom GOD long preserve) the Sovereign next succeeding to Her Majesty in the Royal Government of the Kingdom of *Great-Britain*, and so for ever hereafter, every King or Queen succeeding and coming to the Royal Government of the Kingdom of *Great-Britain*, at His or Her Coronation, shall in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an Oath to Maintain and Preserve inviolably the said Settlement of the Church of *England*, and the Doctrine, Worship, Discipline and Government thereof as by Law established within the Kingdoms of *England* and *Ireland*, the Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, and the Territories thereunto belonging.

And be it further Enacted by the Authority aforeaid, That this Act, and all and every the Matters and Things therein contained, be, and shall for ever be Holden and Adjudged to be a Fundamental and Essential Part of any Treaty of Union to be Concluded between the said two Kingdoms; And also that this Act shall be inserted in express Terms in any Act of Parliament which shall be made for Settling and Ratifying any such Treaty of Union, and shall be therein Declared to be an Essential and Fundamental Part thereof.

• I x x.

ACT settling the Manner of Electing the Sixteen Peers and Fourty Five Commoners to Represent Scotland in the Parliament of Great-Britain.

February 5. 1707.

OUR SOVEREIGN LADY, Considering, That by the Twentieth second Article of the Treaty of Union, as the same is Ratified by an Act past in this Session of Parliament upon the sixteenth of *January* last, It is provided, that by virtue of the said Treaty, Of the Peers of *Scotland* at the time of the Union, Sixteen shall be the Number to Sit and Vote in the House of Lords, and Fourty Five the Number of the Representatives of *Scotland* in the House of Commons of the Parliament of *Great-Britain*; And that the said Sixteen Peers, and Fourty Five Members in the House of Commons be Named and Chosen in such manner, as by a subsequent Act in this present Session of Parliament in *Scotland* should be settled; Which Act is thereby declared to be as valid, as if it were a part of, and ingrossed in the said Treaty. Therefore, Her Majesty, with Advice and Consent of the Estates of Parliament, Statutes, Enacts and Ordains, That the said Sixteen Peers who shall have Right to Sit in the House of Peers in the Parliament of *Great Britain* on the part of *Scotland*, by virtue of this Treaty, shall be Named by the said Peers of *Scotland* whom

whom they Represent, their Heirs or Successors to their Dignities and Honours, out of their own Number, and that by open Election and plurality of Voices of the Peers present, and of the Proxies for such as shall be absent, the said Proxies being Peers, and producing a Mandat in Writing duly signed before Witnesses, and both the Constituent and Proxy being qualified according to Law; Declaring also, that such Peers as are absent, being qualified as aforesaid, may send to all such Meetings, Lists of the Peers whom they judge fittest, validly Signed by the said absent Peers, which shall be reckoned in the same manner, as if the Parties had been present, and given in the said List: And in case of the Death, or legal Incapacity of any of the said Sixteen Peers, that the foresaid Peers of Scotland shall nominate another of their own Number in place of the said Peer or Peers in manner before and after mentioned. And that of the said Forty five Representatives of Scotland in the House of Commons in the Parliament of Great-Britain, Thirty shall be chosen by the Shires or Stewartries, and Fifteen by the Royal Burrows, as follows, viz. One for every Shire and Stewartry, excepting the Shires of *Bute* and *Caithness*, which shall Choose one by turns, *Bute* having the first Election; The Shires of *Nairn* and *Cromarty* which shall also Choose by turns, *Nairn* having the first Election; And in like manner, the Shires of *Clackmannan* and *Kinross* shall Choose by turns, *Clackmannan* having the first Election: And in case of the Death or legal Incapacity of any of the said Members from the respective Shires or Stewartries above-mentioned, to sit in the House of Commons, It is Enacted and Ordained, That the Shire or Stewartry who elected the said Member, shall elect another Member in his place. And that the said Fifteen Representatives for the Royal Burrows be chosen as follows, viz. That the Town of *Edinburgh* shall have Right to Elect and send one Member to the Parliament of Great-Britain; And that each of the other Burghs shall Elect a Commissioner in the same manner as they are now in use to Elect Commissioners to the Parliament of Scotland, Which Commissioners and Burghs (*Edinburgh* excepted) being divided in Fourteen Classes or Districts, shall meet at such time and Burghs within their respective Districts, as Her Majesty, Her Heirs or Successors shall appoint, and Elect one for each District, viz. The Burghs of *Kirkwall*, *Week*, *Dornock*, *Dingwall* and *Tayne*, One; The Burghs of *Fortrose*, *Inverness*, *Nairn* and *Forres*, One; The Burghs of *Elgin*, *Cullen*, *Banff*, *Inverury* and *Kintore*, One; The Burghs of *Aberdeen*, *Inverbervie*, *Montrose*, *Aberbrothock*, and *Brichen*, One; The Burghs of *Forfar*, *Perth*, *Dundee*, *Comper* and *St. Andrews*, One; The Burghs of *Crail*, *Kilrennie*, *Anstruther Easter*, *Anstruther Wester*, and *Pittenweem*, One; The Burghs of *Dysart*, *Kirkaldie*, *Kinghorn* and *Bruntisland*, One; The Burghs of *Inverkeithen*, *Dumfermline*, *Queensferry*, *Culross* and *Stirling*, One; The Burghs of *Glasgow*, *Renfrew*, *Rutherglen* and *Dumbarton*, One; The Burghs of *Haddington*, *Dumbar*, *Northberwick*, *Lawder* and *Jedburgh*, One; The Burghs of *Selkirk*, *Peebles*, *Lintithgow*, and *Lanerk*, One; The Burghs of *Dumfries*, *Sanquhar*, *Annan*, *Lochmaban* and *Kirkcudbright*, One; The Burghs of *Wigtoun*, *Newgalloway*, *Stranraer* and *White-*

hern, One; And the Burghs of *Air*, *Irvine*, *Rothesay*, *Campbelltown* and *Inverary*, One. And it is hereby *Declared and Ordained*, That where the Votes of the Commissioners for the said Burghs, Met to choise Representatives from their several Districts to the Parliament of *Great-Britain* shall be equal, in that case, the President of the Meeting shall have a Casting or Decisive Vote, and that by and attour his Vote as a Commissioner from the Burgh from which he is sent, The Commissioner from the eldest Burgh presiding in the first Meeting, and the Commissioners from the other Burghs in their respective Districts presiding afterwards by Turns, in the Order, as the said Burghs are now called in the Rolls of the Parliament of *Scotland*. And in case that any of the said Fifteen Commissioners from Burghs shall decease, or become legally incapable to Sit in the House of Commons, Then the Town of *Edinburgh*, or the District which choised the said Member, shall Elect a Member in his or their Place: It is always hereby expressly *Provided and Declared*, That none shall be capable to Elect or be Elected for any of the said Estates, but such as are Twenty one Years of Age compleat, and Protestant, excluding all Papists, or such who being suspect of Popery, and required, refuse to Swear and Subscribe the *Formula*, contained in the Third Act made in the Eighth and Ninth Sessions of King *Williams* Parliament, Intituled, *Act for preventing the Growth of Popery*; And also declaring, that none shall be capable to Elect or be Elected to Represent a Shire or Burgh in the Parliament of *Great-Britain* for this part of the United Kingdom, except such as are now capable by the Laws of this Kingdom to Elect or be Elected as Commissioners for Shires or Burghs to the Parliament of *Scotland*. And further, Her Majesty, with Advice and Consent foresaid, for the effectual and orderly Election of the Persons to be chosen to Sit, Vote and Serve in the respective Houses of the Parliament of *Great-Britain*, when Her Majesty, Her Heirs and Successors shall declare Her or Their Pleasure for holding the first, or any subsequent Parliament of *Great-Britain*, And when for that Effect a Write shall be issued out under the Great-Seal of the United Kingdom, directed to the Privy Council of *Scotland*, conform to the said Twenty second Article, *Statutes, Enacts and Ordains*. That until the Parliament of *Great-Britain* shall make further Provision therein, the said Write shall contain a Warrant and Command to the said Privy Council to issue out a Proclamation in Her Majesties Name, requiring the Peers of *Scotland* for the time, to Meet and Assemble at such time and place within *Scotland*, as Her Majesty and Royal Successors shall think fit, to make Election of the said Sixteen Peers; And requiring the Lord Clerk Register, or two of the Clerks of Session to attend all such Meetings, and to administer the Oaths that are or shall be by Law required, and to ask the Votes; And having made up the Lists in presence of the Meeting, to return the Names of the Sixteen Peers chosen, (certified under the Subscription of the said Lord Clerk Register, Clerk or Clerks of Session attending) to the Clerk of the Privy Council of *Scotland*. And sicklike,

Re-

Requiring and Ordaining the several Free-Holders in the respective Shires and Stewartries to Meet and Conveen at the Head-Burghs of their several Shires and Stewartries, to Elect their Commissioners, conform to the Order above set down; And Ordaining the Clerks of the said Meetings, immediately after the said Elections are over respectively, to return the Names of the persons Elected, to the Clerks of the Privy Council. *And lastly*, Ordaining the City of *Edinburgh* to Elect their Commissioner, and the other Royal Burghs to Elect each of them a Commissioner, as they have been in use to Elect Commissioners to the Parliament, and to send the said respective Commissioners, at such times, to such Burghs within their respective Districts, as Her Majesty and Successors, by such Proclamations, shall appoint; Requiring and Ordaining the common Clerk of the respective Burghs, where such Elections shall be appointed to be made, to attend the said Meetings, and immediately after the Election to return the Name of the Persons so Elected, (certified under his Hand) to the Clerk of Privy Council; To the end that the Names of the Sixteen Peers, Thirty Commissioners for Shires, and Fifteen Commissioners for Burghs, being so returned to the Privy Council, may be returned to the Court from whence the Write did issue under the Great Seal of the United Kingdom, conform to the said Twenty Second Article: And whereas by the said Twenty Second Article, It is agreed, That if Her Majesty shall on or before the First Day of May next, declare that it is expedient, the Lords and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*, they shall accordingly be the Members of the said respective Houses, for and on the part of *England*; Her Majesty with Advice and Consent foresaid, in that case only, Doth hereby *Statute and Ordain*, That the Sixteen Peers and Fourty Five Commissioners for Shires and Burghs, who shall be chosen by the Peers, Barons and Burghs *respectively* in this present Session of Parliament, and out of the Members thereof, in the same manner as Committees of Parliament are usually now chosen, shall be the Members of the respective Houses of the said first Parliament of *Great Britain*, for and on the part of *Scotland*; Which Nomination and Election being certified by a Write under the Lord Clerk Registers Hand, The Persons so Nominated and Elected shall have Right to sit and vote in the House of Lords, and in the House of Commons of the said first Parliament of *Great-Britain*.

N^o K x x.*Thursday 7. January 1707.*

A protest was given in by George Lockhart of Carnwath, in these terms.

I George Lockhart of Carnwath do protest for my self, and in Name of such other Barons as shall adhere to this my Protestation; That neither this Vote, nor any other Vote, Conclusion or Article in this Treaty of Union, shall prejudice the Barons of this Kingdom from their full Representation in Parliament, as now by Law established, nor any of their Privileges, and particularly their Judicative and Legislative Capacities, of which they are deprived by the Terms of this Treaty of Union: And I crave this my Protestation to be Admitted and Recorded.

N^o L. x x.

And another Protest was given in by the Duke of Athole, in these Terms.

WHereas, by my Protest given in the 4th. of November last, before voting the first Article of Union, I did reserve Liberty to renew Protestations against any other Article of the Treaty: And as I protested for the Reasons therein mentioned, so I do now, for my self and all others who shall adhere, protest against any Vote for approving the 22d. Article of this Treaty of Union, and against all the Parts of it, for these Reasons, Because the Peers of this Realm, who are hereditary Members of Her Majesties Great Council and Parliament, do thereby become Elective, and so Her Majesty is deprived of Her born Counsellors, and the Peers of their Birth-right. And whereas they are at present 160 in Number, they are by this Article, reduced to 16; which 16 are to be joyned with the House of Lords in England, whose Number at present consists of above 180, whereby it is plain, that the Scots Peers share in the Legislative and Judicative Powers in the British Parliament is very unequal with that of the English, tho the one be Representatives of as Free and Independent a Nation as the other; and is therefore a plain Forfeiture of the Peerage of this Kingdom. And as it is the hight of Injustice, and against all the Laws and Practices of this and all other well govern'd Nations to forfeit any Person without a heinous Crime; So its against all Law to forfeit either the Peers that are now present, or those that are Minors or Absent, without being so much as called or cited for that end.

It is likewise contrary to the Honour and true Interest of Her Majesty and the Monarchy, to suppress the Estate of Peers, who have formerly been the great Supporters of the Monarchy. () And

And it is Dishonourable and Disgraceful to this Kingdom, that the Peers thereof shall only have Rank and Precedency next after the Peers of the like Order and Degree in *England*, without regard to their Antiquity, or the Dates of their Patents, as is stipulate by the following Articles of this Treaty.

In the next place, each Shire and Royal Burgh within this Kingdom have the Number of their Representatives determined by Acts of Parliament, whose Number at present being 155, are by this Article of the Treaty, reduced to 45, and to be joyned to 513 Members in the House of Commons, where they can have no Influence, by reason of the vast Disproportion of their Numbers, besides, that the Barons and Burrows of this Nation, by this way of Uniting, are deprived of their inherent Right of being fully and individually represented in Parliament, both with relation to their legislative and judicative Capacities.

And they are not only highly prejudged in lessening their Representation, but also degraded from being Members of the Parliaments of this Kingdom, where they sit as Judges in all Causes Civil and Criminal, to be joyned to the Commons of another Nation, who are accustomed to supplicate for Justice at the Bar of the House of Lords.

The Barons and Burgeses are also further prejudged in this; That whereas every Shire and Royal Burgh have their own Representatives, one Commissioner will hereafter represent several Shires or Burghs, who it cannot be supposed will understand the several Interests and Concerns of the said several Shires and Burghs whom he may represent.

And further, for the present Representatives of the Barons and Burgeses to offer, by any Vote or Deed of theirs, to incapacitate their Constituents, or deprive them of any part of their inherent Right, is what their Constituents may and do justly disallow, they only having their Commissions with the ordinary Powers of making and amending Laws, and giving Supplies, but no ways to alter Fundamental Constitutions, or to take away or diminish their Representation, which is also a plain Forfeiture of their Constituents of their inherent Rights and undoubted Privileges, and is contrary to the fundamental Laws of this Nation, which are the Birth-right of the People thereof.

From all which it is plain and evident, That this, from a Sovereign Independent Monarchy, shall dissolve its Constitution, and be at the disposal of *England*, whose Constitution is not in the least to be altered by this Treaty, and where it is not to be supposed the *Scots* shall have any weight in the making of Laws, even tho' relative to their own Kingdom, by reason of the vast Disproportion and Disparity of the Representation aforesaid.

And therefore I do also Protest, that no Vote may hinder or prejudice the Noblemen, Barons and Burgeses, as now represented in Parliament, to Retain, Bruik, Enjoy and Exerce all their Rights, Liberties and Privileges, as fully and freely as hitherto they have enjoyed them.

And since it evidently appears, not only from the many Protests of the Honourable and Worthy Members of this House, but also from the Multitudes of Addresses and Petitions, from the several Parts of this Kingdom, of the Barons, Free-holders, Heretors, Burgeses and Commons, and from the Commission of the General Assembly, that there is a general Dislike and Aversion from the Incorporating Union, as contained in these Articles; And that there is not one Address, from any part of the Kingdom, in favours of this Union.

I do therefore further protest against concluding this and the following

Articles of this Treaty, until Her Majesty shall be fully informed of the Inclinations of the People; That if Her Majesty think fit, She may call a new Parliament to have immediate Sentiments of the Union since the Articles have been made publick, where it's hoped they may fall on such Methods as may allay the Ferment of the Nation, satisfy the Minds of the People, and create a full Understanding betwixt the two Kingdoms, by an Union upon honourable, just and equal Terms, which may unite them in Affection and Interest, the surest Foundation of Peace and Tranquility for both Kingdoms: And this my Protestation I desire may be received, and insert in the Minutes, and recorded in the Books of Parliament, as a Testimony of my Dissent, and the Dissent of such as adhere to me.

N^o M. x x.

And a Third Protest was given in by the Earl of Buchan, in these Terms.

FOrasmuch as, the changing of the Right of the Peers of this Realm, from a constant and hereditary Right, to one that is elective; and the debarring all or any of them from taking place, and voting in Parliaments, Conventions, or publick Councils, is subversive of the Birth-right, and undoubted Privilege of the Peers, dishonourable to the whole Kingdom, and contrary to the fundamental Laws and Constitutions of it; as well as to all Justice and Equity: I do therefore Protest for my self, and in Name of all who shall adhere to this my Protestation, that the foresaid Right of the Peers of this Realm to Sit and Vote in all Parliaments, publick Councils and Conventions, do, after the intended Union with *England*, and notwithstanding thereof, continue in full Force, and remain to them as their undoubted Right and Property, and that no Vote to be passed in this House, do prejudice all or any of them thereof, or debar them from retaining the same in all time coming.

N^o N. x x.

Another Protest was likewise given in by Walter Steuart Commissioner for the Burgh of Linlithgow, in these Terms:

I Walter Steuart protest for my self, and in Name of all others who shall adhere to this my Protestation, That the Restriction of the Representatives in Parliament for this Kingdom, as contained in the 22^d. Article of the Treaty of Union, is contrair to the Birth-right of the Peers, and Rights and Privileges of the Barons, Free-holders and Royal Burrows, and the fundamental Laws and Constitutions of this Nation: And if any Vote shall pass, approving the said Article, in the Terms that it stands, That any such Vote shall not prejudice the Birth-right of the Peers

Peers, Rights and Privileges of the Barons, Free-holders and Royal Burrows, competent to them by the Laws and Constitution of this Kingdom, and takes Instruments upon this Protestation, and desires that it may be insert in the Records of Parliament.

N^o O x x.

The 27th. February 1706.

That all Laws and Statutes in either Kingdom so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall from and after the Union cease and become void, and shall be so Declared to be by the respective Parliaments of the said Kingdoms. Articles of Union read,

The Question was put, whether this House shall agree with the Committee in this Resolution?

It was resolved in the Affirmative.

We Dissent to the Resolution of passing the last Article, because there being no Enumeration of what Laws are to be repealed: It is conceived too great a Latitude of Construction thereupon is left to the Judges. I dissent to every one of the 25 Resolutions.

Roch——er.
No——th and Gr——y.
Guil——r.
Le——gb.

Sta——ll

Dissentient to the 9th. Resolution.

I dissent to every one of the 25 Resolutions.

Because we humbly conceive the Sum of 48000 l. to be charged on the Kingdom of Scotland, as the Quota of Scotland, for a Land-Tax, is not proportionable to the 4d. Aid granted by the Parliament of England: But if by Reason of the present Circumstances of that Kingdom, it might have been thought it was not able to bear a greater Proportion at this Time; yet we cannot but think it unequal to this Kingdom, that it should be agreed, that whenever the 4d. Aid shall be enacted by the Parliament of Great-Britain, to be raised on Land in England, that the 48000 l. now raised on Scotland shall never be increased in time to come, tho' the Trade of that Kingdom should be extremely improved, and consequently the Value of their Land proportionably raised, which in all probability it must do, when this Union shall have taken effect. I dissent to every one of the 4 last Resolutions having no sing of the others. Geo.

N——th and Gr——y. How——d. Roch——r. B——th and G——ford. Le——b. W——lls.

T

D.C

Dissentient to the 15th Resolution.

I dissent to Because we humbly conceive nothing could have been more
every one of equal on this Head of the Treaty, than that neither of the
the 25 Re- Kingdoms should have been burdened with the Debts of the
solutions. other contracted before the Union, and if that Proposal which
Beau—t. we find once made in the Minutes of the Treaty had taken
 place, there would have been no occasion to have employed
I dissent to the Revenues of the Kingdom of Scotland towards the pay-
the 1, 4, 5, ment of the Debts of England, those Revenues might have
6, 9, 15, 18, been strictly appropriated to the Debts of that Kingdom, and
19, 21, 22, to any other uses within themselves as should have been jud-
23, 25th. ged requisite, and there would have been then no need of an
Resolutions. Equivalent of very near 400000 l. to be raised on England
Abing—n. within this year, for the purchase of these Revenues in Scot-
 land, which however it may prove to be but a reasonable
 Bargain upon a strict Calculation, there does not seem to have
 been a necessity just now to have raised so great a Sum, when
 this Kingdom is already burdened with so vast ones for the
 necessary Charges of the War.

Roch—r, N—th and G—y
 L—b, G—ford.

Dissentient to the 22d. Resolution.

Because we humbly conceive in the first place, that the
 Number of 16 Peers of Scotland, is too great a Proportion to be
 added to the Peers of England, who very rarely consists of more
 than 100 attending Lords in any one Session of Parliament,
 and for that Reason we humbly apprehend such a Number
 of 16 may have a very great Sway in the Resolutions of this
 House, of which the Consequences cannot now be foreseen.

In the second place, we conceive the Lords of Scotland,
 who by virtue of this Treaty, are to sit in this House, being
 not qualified as the Peers of England are, must suffer a Di-
 minution of their Dignity to sit here on so different Founda-
 tions, their Right of Sitting here depending intirely on an
 Election, and that from time to time during the continuance
 of one Parliament only; And at the same time we are
 humbly of Opinion, that the Peers of England who sit here by
 Creation from the Crown, and have a Right of so doing in
 themselves, or their Heirs by that Creation for ever, may
 find it an Alteration in their Constitution, to have Lords
 added to their Number to Sit and Vote in all Matters brought
 before a Parliament, who have not the same Tenure of their
 Seats in Parliament as the Peers of England have.

N—b and Gr—y, Buck—am,
 Le—b, Roch—r, Guil—d.

Die

Die Martis 4^o Martii.

Hodie 3^a vice lecta est Billa, Intituled, *Act for an Union of the Two Kingdoms of England and Scotland.*

Then a Rider was offered to be added to the Bill, which was read as follows, viz.

Provided always, that nothing in this Ratification contained, shall be construed to extend to an Approbation, or an Acknowledgment of the Truth of the Presbyterian way of Worship, or allowing the Religion of the Church of Scotland to be what it is stiled, *the true Protestant Religion.*

And it being proposed that the same be read a second Time, and the Debate thereupon. The Question was put, whether this Rider shall be read a second Time.

It was resolved in the *Negative.*

Dissentient.

Beau—t, Buck—am, N—h and G—y, Angl—y,
Northam—n, Abing—n, Winch—ea, Noting—m,
Geo. B—th and W—lls, Tba—t, Gra—lle, Sta—ll,
Guern—y, Wey—th, Guil—d, L—b.

The Question was put, *Whether this Bill shall pass?* It was carried in the *Affirmative.*

Dissentient

Nor—m, Angl—y, Tba—t, Winch—ea, Northam—
—n, Scarf—le, Weym—b, Guer—y.

Because the Constitution of this Kingdom has been found so very Excellent, and therefore justly applauded by all our Neighbours for so many Ages; So that we cannot conceive it prudent now to change it, and to venture at all those Alterations made by this Bill, some of them especially being of such a Nature, that as the Inconveniency and Danger of them, (in our humble Opinion) is already but too obvious, so we think more Proper and Decent to avoid entering further into the particular Comprehensions we have from the passing this Law.

Beau—t, Buck—m, Sta—ll, Guil—d, Gran—s, Le—b.

N^o A 3.

*To the Right Honourable the Convention of Royal Burrows the
PETITION of the Merchants Owners of the Ships and Cargos
now arrived at London and other Ports of England,*

Humbly Sheweth,

THat where we under Subscribing, having upon the Faith of the Treaty of Union, sent from *Scotland* to *England* several Goods and Merchandize allowed to be imported to *Scotland* before Commencement of the Union, and which were Entered and paid Her Majesties Duties, and for which before Transportation, we obtained Coasting Cockets (a Copy whereof as approved by the Attourney General at *London*, was transmitted to the Lords of Treasury here, and delivered by them to the Officers of Her Majesties Customs) upon which we had good ground to rest secure, yet to our great Surprize, we have Information, that not only our Ships and Goods are seized, but the Goods themselves made havock of and imbezzel'd (expressly contrair to the Articles of Union) our Seamen Imprest, and our Ships thereby rendered useles, which Treatment is so unsupportable, that all these promised Advantages by the Union, are like to be so many Traps to insnare us, which in end must turn to our inevitable Ruine; For if our Effects be seized, and our Ships laid up, and taken from us by Violence, where shall we have any hopes left us for Trade.

These our Grievances we have thought fit to lay before your Honours the Representatives of the Royal Burrows in Convention assembled, that you in your Prudence may address Her Majesty in such Terms as the present Emergent of so much Import and Concern to the Nation doth require.

May it therefore please your Honours seriously to consider of what we have above represented, and to lay our Case before Her Majesty.

N^o B 3.

A Copy of the Address of the Royal Burrows to Her MAJESTY.

To the Queens most Excellent Majesty,

WE your Majesties most Loyal and Dutiful Subjects, the General Convention of the Royal Burrows in this part of your Majesties United Kingdom called *Scotland*, Do most humbly represent, That having received several grievous Complaints from the trading Merchants, how that they upon the Faith of the late Treaty of Union betwixt the

two

two Kingdoms, Ratified in both their Parliaments, have from several Ports of *Scotland* sent to *London*, and several Ports in *England* Goods and Merchandize allowed to be imported to *Scotland*, and actually there imported before the Union, for which they not only paid Your Majesties Duty; But being resolved upon the Faith of the said Treaty to send them to *England*, after due Deliberation, they by Warrant from *England* received Coast-Cocquets and other ordinary Documents from Your Majestys Commissioners of the Customs lately established, and did also to cut off all pretext, make faith before the Lords of Your Majesties Treasury and Exchequer, and other Judges, That the Goods were imported upon their own proper Account, and upon their own proper Risque.

Notwithstanding whereof, they have very surprising Accounts from their Correspondents in *England*, that the Commissioners of Your Majesties Customs there, have given Orders to seize their Ships and Goods, and that some of them are actually seized, and others both seized and imbezzelled, and that the best Conditions they can obtain from Your Majesties said Commissioners in *England*, are; That they should give Security or Bail in some cases for Ship and Cargo, and in other Cases, for paying new and high Duties, at the Determination of the *British* Parliament: All which being in our humble Apprehension nothing agreeable, but contrary to the Faith of the said Articles of Treaty, and a manifest Disappointment of these Advantages and Encouragements that we still did, and do firmly promise our selves from Your Majesties Royal Justice and most gracious Government, and with all such visible Hardships as must be the Loss and even the Ruin of many honest Traders, who cannot bear their Ships and Goods to be thus incumbered by Bail and Law-suits, or double and high Duties, and withal subjected to the Delay and Hazard of uncertain Determination.

We cannot but in the greatest Submission whereof we are capable, and with a yet greater Confidence of Your Majesties Royal Justice and Goodness, whereof we have had so great and innumerable Proofs, lay the Case before Your Majesty as it is, viz. That by the first Article of the Treaty of Union, the two Kingdoms are for ever united into one after the first of *May* last, which plainly after that day excludes the very Notion of Importation, or Importers betwixt them, and all former Restrictions and Penalties imposed thereupon: And by the Fourth Article, It is agreed that all the Subjects of the said united Kingdom shall from and after the Union, have full Freedom and Intercourse of Trade to and from any Port or Place within the said united Kingdom, and that there be a Communication of all other Rights and Privileges which do or may belong to the Subjects of either Kingdom; By which it is plain, that we have the same Privilege to transport our Effects notwithstanding of former Restraints from one part of *Britain* to another, which Your Majesties Subjects of *Berwick*, *Newcastle*, *Bristol*, &c. do enjoy in importing now to *Scotland*, without any Comptrol all such Goods both of *English* and Foreign Manufacture and Growth, as were before the Union expressly prohibite by our Laws: And farther, by the 25 and last Article of the said Treaty, It is by *Statute Enacted*, that all Laws and Statutes in either Kingdom, so far as they are contrary to, and inconsistent with the Articles of the Union, shall from and after the Union cease and become void; Whereby it evidently appears, that the Prohibitions and Restrictions that might have been of Force on either side, while we were separate Kingdoms, are now made void and for ever to cease.

Being then founded upon such clear and evident Grounds, and yet much more upon the assuring Experiences that we have always had of

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Your

Your Majesties Justice, Equity, and unparallel'd Goodness : We do with all Submission and Humility, Beseech and Obtest Your Majesty, that You would be pleased to give such Orders to Your High Treasurer and Commissioners of Customs, and others in *England*, that the aforesaid heavy and vexatious Grievances may be remedied and removed, that so the Hearts and Interests of all Your good Subjects may be united to Your Majesties Satisfaction and perpetual Glory.

N^o C. 3.

The CLAUSE proposed in the English Parliament to prevent the French Goods being Imported thro' Scotland.

AND whereas, it is well known, That in divers Foreign Parts, great Quantities of Goods and Merchandizes have lately been Shipt, and are now Shipping, with Intention to be carried to *Scotland*, and to be Imported there, paying only the Low Duties in that Kingdom before the first day of *May* 1707. But with a manifest Design to have the same brought Coast-wise after the said first day of *May*, from that part of *Great-Britain* now called *Scotland*, to that part of *Great-Britain* now called *England, Wales*, or the Town of *Berwick* upon *Tweed*, without paying the high Duties which are now payable in *England*, and which after the said first of *May* will be also payable in the whole united Kingdom of *Great-Britain* for the like Goods imported there, which Practice, if it be not timely prevented, does apparently tend, not only to Her Majesties Damage in Her Revenue, but to the Ruine or Impoverishment of many fair Traders, who have Stocks of such Commodities in either of the said Kingdoms, by giving unreasonable Advantages to Foreigners. Be it therefore Enacted by the Authority aforesaid, that all Goods and Merchandize Imported, or to be Imported into *Scotland* between the first day of *February* to the said first of *May* 1707, from any Foreign parts beyond the Sea, and shall after the said first day of *May* be brought by Sea or Land into *England, Wales*, or the Town of *Berwick* upon *Tweed*, unless such Goods or Merchandizes were Shipt from any such Foreign parts as aforesaid, for the Sale, Account and Risque of some of Her Majesties Natural born Subjects of *Scotland*, and be afterwards brought from *Scotland* to *England, Wales*, or Town of *Berwick* upon *Tweed*, as aforesaid, upon the like Account and Risque, and unless such respective Goods and Merchandize from the time they were shipped in Foreign parts, till the time they were brought into *England, Wales*, or *Berwick* by the Way of *Scotland* as aforesaid, did wholly and *bona fide* belong to some of Her Majesties said Subjects of the Kingdom of *Scotland*, as the Owners thereof shall be chargeable with, there shall be paid or secured for the same, so much Money, as together with the Moneys which shall have been actually paid upon the Importation into *Scotland*, shall compleat all the Subsidies, Impositions and other Duties which are to be paid or secured for the like Goods or Mer-

Merchandize, in case they were Imported directly into *England* before the said first day of *May*.

And in case such Goods and Merchandize be so brought in and landed before such payment made, and Security given, (as the Case requires) the Goods so landed shall and may be seized, and the same and the Importers thereof be lyable to such Penalties and Forfeitures as by the Laws of *England* are prescribed for landing the like Goods without paying or securing Her Majesties Duties, or for defrauding Her Majesty thereof; and if any Doubt or Question shall arise, Whether the Goods and Merchandize so brought in, or any of them were brought from Foreign parts by the way of *Scotland*, for the Sale, Account and Risque of some of Her Majesties Subjects of that Kingdom, within such days and times as aforesaid, or were their Property in such manner as aforesaid, the *Onus Probandi* shall ly upon the Person or Persons, that shall claim the said Goods and Merchandize, and not upon the Seizer, Informer or Prosecutor.

N^o D 3.

The Humble ADDRESS of the *Scots* Merchants at *London*, to the Right Honourable the Lords Spiritual and Temporal Assembled in Parliament, against Passing the Bill, for laying Duties upon Goods which may be brought by Her Majesties Subjects, from *Scotland* to *England* after the Commencement of the UNION.

By the Articles of UNION most solemnly ratified in *Scotland* and *England*, It is expressly declar'd, That from and after the first of *May* 1707, the two Kingdoms shall be United into one, called *Great-Britain*, and that all the Subjects of either Kingdom, shall have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said united Kingdom; and that there shall be a Communication of all other Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom:

It is humbly conceived, that the Bill now before your Lordships, is directly contrary to these Articles of Union; for nothing can be a greater hinderance to the Freedom and Intercourse of Trade, than the laying such high Duties on Goods brought from *Scotland* to *England*, as are by this Bill intended to be impos'd on Her Majesty's *English* Subjects, and the *Scots* residing here, whereby they are deprived of their just Right of bringing Goods from *Scotland* to *England* by *Transire* Duty free, which is plainly granted to them by the fourth Article of Union, &c.

The Exception in this Bill pretended to be in favour of the Natives of *Scotland* residing there, destroys their Privileges also, because it only allows them to bring such Goods Duty free into *England* after the Union commences, as have been before that time laden beyond Seas, and imported into *Scotland* on their own Accounts, but not to bring any such as they have bought, or may buy at their own Markets, whereby this Retrospect Bill will stop the Circulation of Trade, and entail Ruin on all the Traders

ders in *Scotland*, by confining such Quantities of Goods to that part of *Great Britain* as will exceed the Consumption thereof.

The *Scots* being also hinder'd by this Bill from bringing Duty free unto *England*, any Goods Imported into *Scotland* before the first of *May*, whereof they have not been the sole Proprietors, from the time they were first Shipp'd off beyond Seas for *Scotland*, until brought into *England*; they will be prevented from bringing their own Parts of any Goods, wherein the *English* had any share at the time of Importation into *Scotland*.

And a particular Hardship to the *Scots*, the Bill imposes on them the unsupportable *onus probandi*, whereby they will be oblig'd to prove their sole Property from the time of buying the Goods beyond Seas, to their Arrival in *England*, in order whereto their Factors, Mariners, Coopers, Ware-house-keepers, Porters, and a great number of other Servants must be all produced together at the Exchequer Bar, and all maintain'd during their Voyages and Journeys, and Abode in *London*; so that the Evidence necessary on this occasion will cost at least 300 *l. Sterling* for each parcel of Goods, besides all the Delay and Vexation of a tedious Course of Law, and the severe Penalties in case they should, by one Neglect or Misfortune, fail in the least Particular of an absolute Proof.

This Bill will not answer the propos'd End of advancing Her Majesty's Revenues, but seems to be founded on mistaken Notions of Trade, since after the Union commences, the Disadvantages, or Conveniencies to *Great Britain* will be equal, whether the Goods then in *Scotland* remain, and be consum'd in that, or any other part of the United Kingdom.

The Allowances granted in some Articles of the Union, whereby the Regulation of minute Circumstances is left to the Parliament of *Great-Britain*, seem to be an unanswerable Argument, that where no such Liberty is given, even the Parliament of *Great-Britain* was not intended to have the Power of making any Alterations or Regulations; and as the last Article of the Union confirms the whole by repealing all Laws in either Kingdom, which are contrary to the Articles, This Bill, if it should pass into an act, and all other Laws being inconsistent with the Articles, or any of them, will, as it's humbly conceived, be void after the First of *May*.

This Bill differs little from the former sent up to your Lordships last Session, which your Lordships did not then think fit to pass.

Therefore it's hop'd that your Lordships will not pass this Bill, being, as is humbly conceiv'd, more injurious than the former, and which can only serve to advance Distinctions and Animosities between the Subjects of Scotland and England, and prevent that Union of Hearts, which Her Majesty so graciously recommended from the Throne.

* * * Note, This Bill is unnecessary in reference to Foreigners, who can have no Benefit nor Share in the Communication of Trade and Privileges mentioned in the 4th Article of Union, the same being thereby prudently restricted to the Subjects of both Kingdoms.

N^o E 3.

O B S E R V A T I O N S

U P O N T H E

Fourth Article of UNION.

I. **E**quity and Reason places the Subjects of the same Kingdom on equal Foot, when they are Cemented together in Affection, Laws, Trade, and Interest, this will be the Case after the Union, when Agreements on each side are fulfilled; but when *England* and *Scotland* were separate, they who submitted, proposed the Terms, and Equivalents of an Union; and when these are granted, and agreed, should be honourably maintained, with the greatest Nicety, and favourable Interpretation to the Weakest. The Reputation of *England* abroad, is founded on the Stability of their Treaties, ss much as on the Strength of their Arms, Treasure, or Constitution.

With the same Strength of Reason and Equity, may the *Scots* desire that *English*-Men, since *February* last, should be subject to the *Onus Probandi*, for Goods in their Possession, imported by Foreigners, or for Account of Foreigners under Covert.

By the same Rule of Reason, that the *English* require an Augmentation of Duties on Goods imported into *England*, may the *Scots* desire that Goods in *England* should be Taxed with *Scots* Duties, and then both Kingdoms would be on equal Terms.

The Establishment of the Union, was a Communicatory Contract, agreed and fixt, by Persons equal in Knowledge, and Freedom of Will; the Matter in Debate was Proposed, Argued, and Covenanted, afterwards Confirmed in the most Solemn and Authentick Manner, by the Parliaments of both Kingdoms, and cannot now legally, and in a decent or friendly Manner, be touched or amended in any Point, but by the Parliament of *Great-Britain*, who are the competent Judges of the Rights, Privileges, and Conveniencies of the United Kingdoms, when the general Good, Safety and Interest of the whole, will, with it's natural Weight, sway the Ballance of Equity, when *England* will have no Reason to repine at any accidental Advantage, which *Scotland* may get by the Union, at it's Commencement, since it will not only enable, but encourage that Part of the United Kingdom, to undergo with Cheerfulness their future Restrictions, and Taxes.

II. To the Second Reason the Answer is plainly obvious, that the Sixth, Seventh, Fifteenth, and Eighteenth Articles of the Union, were consented to by *Scotland*, in Consideration of an Equivalent, and the Sense of the Commissioners, on the Point of Customs, is more fully explained in the Fourteenth Article of Union, viz. 'That the Kingdom of *Scotland* shall not be charged with any Duties laid on by the Parliament of *England*, before the Union, except these consented to in this Treaty.

Certainly the *Scots* never expected, that in the Interval between the Ratification of the Articles, and the Commencement of the Union, the Parliament of *England* would have laid the *Onus Probandi* upon the

Subjects of *Scotland*, and for a time so far backward, nor that a greater Proof for the Property of Goods, should be required from the Subjects of *Scotland*, than what is stipulated for justifying their Interest in Shipping, by the Fifth Article of Union, by which they are free from all perplexing Tryals at the Exchequer Barr, and are treated therein as Friends, and Men of Probity, by referring the Proof of their Interest, to their proper Oath, to be taken in the Port next to the abode of the Owner; this shows that the *Scots* never would have consented to undergo the *Onus probandi* in *England*, for any Goods in their Possession, belonging to them, at or before the Union.

It was absolutely impossible to attain this Union, without a free Communication of Trade; and in Consequence, as absolutely Impossible to hinder the *Scots* from Trading, as *Scotsmen*, in their own Kingdom, until the Union commences; or from trading afterwards, as *Britains*, when the Union takes place. To deny them the first Privilege, is to take away their Birth-right; and to debar them from the latter Advantage, would be a grievous Detriment, and a sensible Injury; because it touches their Property at present, and weakens their Hopes of Advantage in future by the Union: At least it will make them think their Title precarious and uncertain.

After the first of *May* 1707, when the Union is to commence, the Goods then brought from *Scotland* to *England*, and *vice versa* can't in any Sense be said to be either Exported or Imported; seeing, whether by Land or Water, they will only be carried from one place to another, within the same Kingdom: And therefore this Matter can no ways be comprehended under the Sixth Article.

III. To the Third Reason, That the fair Traders of *England* will be great Sufferers, &c. It may be answer'd, That a certain sort of fair Traders, commonly distinguish'd by the Character of well-meaning F——s, are greater Sufferers daily, by the cunning Contrivances of Stock-Jobbers, and other over-reaching Practices in Commerce, they would not censure a Man, who can take up Money at 4 *per Cent.* from private Persons, and at the same time can lend it to the Government at 8 *per Cent.* If by the fair Traders, be meant the Wine Merchants or Vintners, those who know their Method of Management, will admire how they have gain'd this Character: Allowing it, however, to them for once, in Complaisance, their Damage will be as soon forgot, as the Loss of a Ship is on the Exchange; and their Loss will be recompens'd by a publick Advantage, which happens but once, and will be of very short Continuance. The Nobility and Gentry of *England* may drink the Queens Health, and Prosperity to the Union, in a Glass of Claret, at 2 *s.* 6 *d.* *per* Quart; on which the best of the Nation saves 2 *s.* seeing the Vintner sells his mixt Liquor at 4 *s.* 6 *d.* The *Scots* Merchant or Importer from *Scotland* cannot gain nor save by his Sale, one fourth part of what the *English* Nation does; and the Proportion will hold the same, upon whatever Quantities of Goods are Imported from *Scotland*, if it were possible, to the value of a Million of Money. The Nation of *England*, in this Time of Jubilee, will be by far the greatest Gainer. If the sole Profit redounds wholly to the *Scots* Merchants, or to the Importers from *Scotland*, then the Price of Goods will be kept at their present Height, and the fair Traders of *England* cannot lose by the Stocks of Goods now on their Hands.

IV. That the Revenue of the Customs will be very much diminished, may be answer'd, That this is not a real loss, but accidental and imaginary: For without the Union and Freedom of Commerce, those Goods would

would not have been imported; and I am perswaded, the Queen would rather lose the Value of the Goods imported, than suffer the Foundation of the Union to be undermined, or Her Subjects in *Scotland* to undergo Hardships, from which, in virtue of this Union, they may so reasonably expect an Exemption. And I believe, all Her Majesties Friends, and Well-wishers to *Great-Britain*, will cordially praise Her Sentiments, and readily concur in suspecting the Assertions of some Gentlemen, as to the Quantities of Goods expected from *Scotland*. These very Persons would not be afraid of finding Money, in a Days time, to purchase the whole at prime Cost, and to put themselves in place of the *Scots*: Then they would cry up the Union as sacred, as the firmest Foundation of our Constitution, and would severely censure the least Encroachment.

V. To the Fifth and most important Reason, The Promoters of the Bill are great Men in their way, but in Comparison with *Great-Britain*, like two Drops of Water to the Ocean; and in their greatest Splendour are only valuable so far, as they are useful to the Common Good; it's humbly conceiv'd, every prudent Man will conclude, it's better to let a few Men grumble, than to disgust a Kingdom, and the best of Queens, by endangering the Constitution of *Great-Britain*.

Nº F. 3.

COMMISSION and PROCLAMATION

Naming Justices of Peace within Scotland.

A NNE by the Grace of GOD, Queen of *Great-Britain, France* and *Ireland*, Defender of the Faith, To Our Lyon King at Arms, and his Brethren Heraulds, Macers of Our Privy Council, Pursuivants, Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially Constitute, Greeting: *Forasmuch as*, The appointing of Justices of the Peace, in that part of Our Kingdom of *Great-Britain* called *Scotland*, will contribute to the Peace, Quiet and good Government thereof, and to the speedy and impartial Execution of Law and Justice, to all persons subjected to their Power and Jurisdiction, *Therefore*, and for the furtherance of these ends, We with Advice of the Lords of Our Privy Council in *Scotland*, Do hereby Nominate, Constitute and Appoint the Persons after set-down, for the respective Shires and Burghs after-mentioned, to be Justices of the Peace within the same, in manner and to the effect after express, GIVING, GRANTING and COMMITTING to the said Persons and their Quorum, Appointed by the Act of Parliament One Thousand Six Hundred & sixty One, within their respective Bounds, full Power, Warrant and Commission, To Exercise the Office and Offices of Justices of the Peace, and to Do, Use and Practise whatever to that Trust doth appertain by the Laws and Acts of Parliament of *Scotland*. And more especially, by the Thirty Eighth Act of the Parliament One thousand six Hundred and Sixty One Years, Intituled, *Commission and Instructions to the Justices of the Peace and Constables*. And which Instructions are here held as repeated. As also, to Do, Use and Exercise whatever doth appertain to the said Of-

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fice and Trust by virtue of the Laws and Acts of Parliament made in *England* before the Union; more particularly so far as the same may concern the Office or Duty of Justices of the Peace in the respective Bounds, in all Matters relating to Our Customs and Excise, for the better Observation of the Articles of the Union in all Points. As also, with full Power to the saids Justices of Peace and their *Quorum* foresaid, To appoint Constables conform to the said Act of Parliament One Thousand six Hundred and sixty One, within their respective Bounds, and according to the Tenor and Instructions set down therein for Constables in all Points. The saids Justices of the Peace and their Clerks respective, Taking and Swearing the Oath of Alledgeance, and Subscribing the same, with the Assurance, as also taking the Oath *de fidei administratione* at their first Meeting, which is hereby Declared to be upon the second Day of *September* next to come, for all these besouth the Water of *Tay*, and upon the sixteenth Day of the said Month of *September* next for all these benorth the said Water of *Tay*; At the Head Burghs of the respective Shires and Stewartries above-mentioned. Likeas, They are hereby Ordained to Report their said Taking and Swearing the Oath of Alledgeance, and Subscribing the same, with the Assurance, to the Clerk of Our Privy Council in *Scotland*, within Ten Days thereafter. And it is hereby provided, That this Our Commission granted to the saids Justices, and each of them within their respective Bounds as aforesaid, is only to endure during Our Pleasure, and until We shall Recall the same. Likeas, it is further Provided and Declared, that it shall be always Leisom to Us to add to the Number of Justices of Peace within the respective Bounds aforesaid, by a Letter or Warrant under Our Royal Hand, such Persons as We shall from time to time think fit: Which Persons so to be added shall have the same Power and Authority as if their Names were expressly contained in this Our Commission and Proclamation. As likeways, Reserving to Us Our full Power to Remove or Suspend any of the saids Justices of Peace from their saids Trusts and Employments, by a Letter or Warrant under Our Royal Hand. And lastly, We with Advice foresaid, do hereby Declare all former Commissions to Justices of Peace preceeding the Date hereof to be void and null. Our Will is herefore, &c.

N^o E. 3.

COPY of Her Majesties Commission to
the Justices of Peace of *Edinburgh* Shire,
with the Powers and Instructions to the
whole Justices in *North-Britain*.

ANNE by the Grace of GOD Queen of *Great Britain, France* and *Ireland*, Defender of the Faith, &c, To Our Dearest Husband *George* Prince of *Denmark*, The most Reverend Father in Christ and Our Faithful Counsellor *Thomas* Archbishop of *Canterbury*, Primate of all *England* and Metropolitan thereof, Our Well beloved and Faithful Counsellor *William* Lord *Couper* Chancellor of *Great Britain*, &c. Know ye, That We have made and Assigned You conjunctly and severally, and each one of you Our Justices for preserving the Peace in Our Shire of *Edinburgh*, and to the keeping of the whole Acts, Laws and Statutes, for the good of Our People

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ple and Keeping thereof; And for the Quiet Rule and Government of Our People in all and sundry Articles thereof within your said Shire, as well within the Liberties as without the same. And for the Keeping and Making the same to be Keaped, according to the Strength, Form and Effect of the said Laws, and for the Chastising and Punishing Delinquents or Transgressors of the foresaid Customs, Laws and Statutes, or any of them within your said Shire; According and Conform to the Custom, Laws and Statutes made or to be made, and for making all those who do Menace or Threaten one another of Our People of their Bodies, or of Burning their Houses, find sufficient Security to the Peace; And that ye cause them come before You or any of You for that Effect; And if they shall refuse to find such Security, then you shall cause them be kepted safely in Our Prisons until they find the said Security. As also, We have given to you and each two or more of you, of whom any of you above-named, *George Prince of Denmark, The Arch-Bishop of Canterbury, Chancellor of Great-Britain, &c.* We will to be one of our Justices for Inquiring conform to the Law & Custom of the Land, concerning all & whatsoever Felonies or Capital Crimes, *Witchcrafts, Incantments, magical Arts, Sorceries, Transgressions, Forestallings, Regratings, Ingrossings, and Extortions* whatsoever, and all and every other Malefices and Offences, concerning which, the Justice of our Peace may lawfully Inquire into, or ought to Inquire into, by whomsoever or whatsoever Persons within the said Shire the same be acted or done, or which hereafter shall happen there to be done or attempted; As also concerning all those who within the said Shire, shall either go or ride Armed in Conventicles contrary to Our Peace, in Molestation of our People, or hereafter shall presume so to go or ride; as also, concerning all those who there ly in wait for *Hurting, Demembrating, or Killing* of Our Subjects, or who hereafter shall presume to ly in wait; as also, concerning all Inns and Publick Houses, and all and sundry other Persons, who have transgressed in abusing of Weights and Measures, or in Sale of Victuals contrary to the Form, Laws and Statutes, or any of them made for the common Good of Our People, or concerning them who have attempted to Transgress, or hereafter shall presume to Transgress and Attempt the same; And sicklike concerning whomsoever Sheriffs, Baillies, Stewarts, Constables, Keepers of Goals, and other Officers, who unduely behaved themselves in the Execution of their Offices concerning the Premisses, or any part thereof; Or who shall hereafter presume to behave themselves unduely, or who have been Mean, Remiss or Negligent, or for hereafter shall Happen to be so within your said Shire. And concerning all and sundry Articles and Circumstances, and other Things whatsoever, done or perpetrate by whomsoever or whatsoever Persons in your said County, or which shall happen to be done or attempted for hereafter, concerning the full Truth, of whatsoever sort of the Premisses, or any of them; And to look into whatsoever Indictments or Libels made, or to be made before you, or any of you, or made and taken before the late Justices of Our Peace within the said Shire, and not yet determined: As also to Proceses thereupon concerning all and sundry such Indictments and Accusations, or by making and compelling them who shall happen hereafter to be Indicted or accused before you, until they be taken, and deliver themselves, or be Outlawed or Denounced Rebels, and to hear and determine all and sundry Felonies, Capital Crimes, Witch-craft, Incantments, Magical Arts, Sorceries, Transgressions, Forestallings, Regratings, Ingrossings, Extortions, Conventicles, Indictments; And moreover, all and sundry others the Premisses conform to the Laws and Statutes of the Kingdom, as the same used to be in the like Cases; And for chastizing and punishing the same Delinquents, and each of them in their own Crimes by Fines, Re-

demptions, Amerciaments, and Out-laws, or any otherwise accustomed to be, or ought to be conform to the Law, and Consuetude of the Land, or the Form, Law and Statute of the same. Providing always, that if any Difficulty shall happen to arise at Determining of any of the Premises, before you or any Two, or more of you, Then you shall not proceed in it to give Judgment, except in the presence of one of Our Lords of Justiciary, or one of Our Justiciary holding the Circuit Courts assigned in your said County; *And therefore*, We charge you, and every one of you, that you diligently attend concerning the Keeping the Peace, Laws and Statutes, and whole other Premises, And that you, or any two of you or more, appoint for that end, certain Times and Places, and diligently make Enquiry in the Premises, and hear and determine all and sundry the Premises, and make and cause these Things to end, and be fulfilled according to the foresaid Form made thereanent, which pertains to the Justices of Peace, conform to the Law and Consuetude of the Land. Reserving to Us the Amerciaments and others arising to Us therefrom, WE BE THE TENOR HEREOF, charge you, Our Sheriffs of *Edinburgh*; That at such certain Days and Places as two or more of the said Justices shall acquaint you of, you cause so many and such honest and lawful Men of your Shire, as well within the Liberties, as without the same come before you, the said Justices, or any two or more of them, as said is, by whom the Verity of the Matter in the Premises may be the better known and determined; And We also charge our *Custos Rotulorum*, or Keeper of the Rolls of our Peace within the said Shire, that he cause short Precepts or Minutes of Processes or Indictments come before you at the said Days and Places, that they may be Enquired into, and duely Ended and Determined, as said is. In Testimony whereof, We have made thir Presents patent, Witness my Self at *Westminster*, the 13 of *May*, and of Our Reign the 7 Year.

Sic Subscribitur WRIGHT.

N^o H. 3.

Anno Sexto

A N N Æ R E G I N Æ.

An Act for rendring the Union of the two Kingdoms more Intire and Complete.

W Hereas by Her Majesties great Wisdom and Goodness, the Union of the Two Kingdoms hath been happily Effected, and the whole Island is thereby subject to one Sovereignty, and Represented by one Parliament; To the end therefore that the said Union may be rendred more Complete and Intire, Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

ritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first Day of *May*, in the Year of Our Lord, One thousand seven hundred and eight, the Queens Majesty, Her Heirs and Successors, shall have but one Privy Council in or for the Kingdom of *Great-Britain*, to be Sworn to Her Majesty, Her Heirs and Successors, as Sovereigns of *Great-Britain*, and such Privy Council shall have the same Powers and Authorities as the Privy Council of *England* lawfully Had, Used and Exercised at the time of the Union, and none other.

And to the end the Publick Peace may be in like manner Preserved throughout the whole Kingdom, Be it further Enacted by the Authority aforesaid, That in every Shire and Stewartry within that part of *Great-Britain* called *Scotland*, and also in such Cities, Boroughs, Liberties and Precincts within *Scotland*, as Her Majesty, Her Heirs or Successors, shall think fit, there shall be appointed by Her Majesty, Her Heirs or Successors, under the Great-Seal of *Great-Britain*, a sufficient Number of Good and Lawful Men to be Justices of the Peace within their respective Shires, Stewartries, Cities, Boroughs, Liberties or Precincts, which Persons so appointed, over and above the several Powers and Authorities vested in Justices of the Peace by the Laws of *Scotland*, shall be further Authorized to Do, Use and Exercise over all Persons within their several Bounds; whatever doth appertain to the Office and Trust of a Justice of Peace, by Virtue of the Laws and Acts of Parliament made in *England* before the Union, in relation to or for the Preservation of the publick Peace, Provided nevertheless, that in the Sessions of the Peace the Methods of Trial and Judgments shall be according to the Laws and Customs of *Scotland*.

Provided, That nothing in this Act contained shall be construed to alter or infringe any Rights, Liberties or Privileges heretofore granted to the City of *Edinburgh*, or to any other Royal Borough, of being Justices of the Peace within their respective Bounds.

And whereas by an Act made in *Scotland* in the Third Session of the Second Parliament of the late King *Charles* the Second, Intituled, *An Act concerning the Regulation of the Judicatures*, several Good and wholsom Provisions were made concerning the Justice-Court, and amongst others it was thereby Enacted, That once a Year Circuit-Courts should be kept at the Time and Places in the said Act mentioned : Now for the better and speedier Administration of Justice, and further Preservation of the Publick Peace in that Part of the Kingdom of *Great-Britain* called *Scotland*, Be it also Enacted by the Authority aforesaid, That for the future Twice in the Year, that is to say, In the Months of *April* or *May*, and in the Month of *October*, Circuit-Courts shall be kept in the several Places in the said Act mentioned, and in Manner and Form as in the said Act contained.

And for the more Uniform and Express Method of Electing and Returning Members of Parliament, Be it likewise further Enacted by the Authority aforesaid, That when any Parliament shall at any time hereafter be Summoned or Called, the Fourty Five Representatives of *Scotland* in the House of Commons of the Parliament of *Great-Britain*, shall be Elected and Chosen by Authority of the Queens Writs under the Great-Seal of *Great-Britain*, directed to the several Sheriffs and Stewarts of the respective Shires and Stewartries; and the said several Sheriffs and Stewarts shall, on Receipt of such Writs, forthwith give Notice of the time of Election for the Knights or Commissioners for their respective Shires or Stewartries, and at such time of Election the several Free-holders in the respective Shires and Stewartries shall Meet and Convene at the Head-Burghs of their several Shires and Stewartries, and proceed to the Elec-

tion of their respective Commissioners or Knights for the Shire or Stewartry; and the Clerks of the said Meetings, immediately after the said Elections are over, shall respectively return the Names of the Persons Elected to the Sheriff or Stewart of the Shire or Stewartry, who shall Annex it to his Writ, and Return it with the same into the Court out of which the Writ Issued: And as to the manner of Election of the Fifteen Representatives of the Royal Boroughs, the Sheriff of the Shire of *Edinburgh* shall, on the Receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provost of *Edinburgh*, to cause a Burgess to be Elected for that City; and on Receipt of such Precept, the City of *Edinburgh* shall Elect their Member, and their Common Clerk shall certify his Name to the Sheriff of *Edinburgh*, who shall Annex it to his Writ, and Return it with the same into the Court from whence the Writ Issued: And as to the other Royal Burghs, divided into Fourteen Classes or Districts, the Sheriffs or Stewarts of the several Shires and Stewartries, shall on the Receipt of their several Writs, forthwith direct their several Precepts to every Royal Borough within their respective Shires or Stewartries, reciting therein the Contents of the Writ, and the Date thereof, and Commanding them forthwith to Elect each of them a Commissioner as they used formerly to Elect Commissioners to the Parliament of *Scotland*, and to Order the said respective Commissioners to Meet at the presiding Borough of their respective District (naming the said presiding Borough) upon the thirtieth Day after the Day of the *Teste* of the Writ, unless it be upon the LORDS-Day, commonly called *Sunday*, and then the next Day after, and then to Choose their Burgesses for the Parliament: and the common Clerk of the then presiding Borough shall immediately after the Election, Return the Name of the Person so elected to the Sheriff or Stewart of the Shire or Stewartry wherein such presiding Borough is, who shall Annex it to his Writ, and Return it with the same into the Court from whence the Writ issued: And in case a Vacancy shall happen in time of Parliament, by the Decease or legal Incapacity of any Member, a new Member shall be Elected in his Room, conformable to the Method herein before appointed; and in case such Vacancy be of a Representative for any one of the said Fourteen Classes, or Districts of the said Royal Boroughs, that Borough which presided at the Election of the Deceased or Disabled Member, shall be the presiding Borough at such new Election.

Provided always, That upon the Issuing of Writs of Summons for the Electing of a Parliament, if any Shire or Stewartry wherein a Royal Borough is, hath not then a Turn, or Right to Elect a Commissioner, or Knight of the Shire or Stewartry for that Parliament, That then it shall be Omitted out of the Writ directed to such Sheriff or Stewart, to cause a Knight, or Commissioner for that Shire or Stewartry to be Elected for that Parliament.

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Proclamation

N^o I 3.

A P P R O C L A M A T I O N.

Concerning *English* Coyn.

ANNE by the Grace of GOD, Queen of *Great-Britain, France and Ireland*, Defender of the Faith, To Our Lyon King at Arms, and his Brethren Heraulds, Macers of Our Privy Council, Messengers at Arms, Our Sheriffs in that part, Conjunctly and Severally, specially Constitute, Greeting: *Forasmuch* as by the Sixteenth Article of the Treaty of Union betwixt the two Kingdoms, it is provided, That from and after the Union, the Coyn shall be of the same Standart and Value throughout the united Kingdom as now in *England*; And *&c.* A Declaration of the Parliaments Approbation, and in what Terms following: That therefore We with Advice of Our Privy Council, have Appointed, and hereby Appoint the Places and Persons entrusted, and the Day and Time ordered by the said Remit of Parliament. to be as follows, *viz.* The Towns of *Edinburgh, Glasgow* and *Aberdeen*, to be the Places for Telling in of the said Money, and that at the Town of *Edinburgh* there be three Tables and distinct Offices for receiving in of the Money, one in the Inner-house where the Lords of Session are in use to meet, another in the laigh Council-house where the Magistrates of *Edinburgh* were in use to meet, and the Third in the New Room for the Meeting of the Burrows on the Low Exchange, and that each of the saids Tables be attended with a sufficient Number of Tellers, and Clerks for writing Certificates, to be appointed by the Magistrates of *Edinburgh*; And further, That at each Office or Table, there be present one of the Lords of Our privy Council, and one of the saids Magistrates: As also, That one of the saids Lords, and one of the saids Magistrates, with a sufficient Number of Tellers, and an Clerk go to the Bank-Office for telling the *English* Silver-money in the Bank. As likeways, that at *Glasgow* and *Aberdeen* there be competent Tellers kept at the respective Council-Houses of the saids Burghs, Attended by sufficient Numbers of Tellers and Clerks; and that the Magistrates of the saids Burghs respectively, at least Three of them be present at the Receiving and Telling in of the said Money, and that the day for Telling the said Money be the seventeenth Day of *April* next to come, And that the Attendance begin at the respective places above-mentioned at Six in the Morning, and continue till Twelve a clock, and to begin again at Two in the Afternoon, and to continue till Six in the Evening the said Day, at which times and places, all Persons within this Kingdom having Money of the Silver-Coyn of *England*, are required to present and offer their said Money to be told, that they may receive Certificates in manner above, and after-mentioned, and the Persons entrusted respectively as above, are hereby required to receive from all Persons what *English* Money they have to present and Tell down in their presence, which being so Exhibite and Told down, the saids Persons intrusted are to Seal the same up in Bags, and detain it till the said six a Clock of the same Day;

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and

and immediately to deliver back to the Owner, with a Certificate signed by the Persons above-mentioned *respective, viz.* At *Edinburgh* by the Lords of Privy Council and Magistrates attending at each Office and Table, and at the Bank-Office, and at *Glasgow* and *Aberdeen* by the Magistrates of the said Burghs, or Three of them respectively before two Witnesses, bearing the Sum Exhibite and Told down, with the Sum ordained to be payed out by the Party to the Teller, effeirand to Twenty Pence upon each Hundred pounds *Sterling*, And the foresaids Persons respective above-named, are hereby Ordained to write down an exact Account of the respective Certificates to be granted by them, and of the Persons Names to whom, and of the Sums that shall be therein-contained: And the saids persons named and Intrusted in manner foresaid, are hereby Required and Ordained to subscribe the said general Accompt before Witnesses, upon the same day above-mentioned; and to transmit the same to the Clerks of Our Privy Council without delay, under the Penalty of Five Hundred *Merks*. And We, with Advice foresaid, hereby expressly Discharge the receiving in any *Englisb* Money upon any other Day after the foresaid precise Day appointed as said is, or altering any Certificates formerly granted under the pain of Falshood and Forgery. *As likewise*, We with Advice foresaid, Discharge the *Englisb* Money to pass at any higher Rate than the Rate of *England*, at Five Shillings *sterling per* Crown, and so proportionally, and that it shall be no otherways current, nor offered or received in Payments after the said Day. And furder, We Declare the saids Certificates to be granted by the saids respective Persons intrusted as said is, are to be a sufficient Title for recovering the Loss arising from the Sums therein-contained, and what was paid to the Teller out of the Equivalent: And we with Advice foresaid, Ordain the Commissioners of the Equivalent to pay out the same to the Bearer of the Certificates without Delay, Loss or Defalcation, and that how soon the saids Commissioners shall have received the Sum of the Equivalent, out of which the said Loss is to be Repaired, Declaring that the Loss to be made upon the said *Englisb* Money is only for the Species of Silver-Coyn. OUR WILL IS HEREOFRE, &c.

N^o K 3.

PROCLAMATION

*Calling in the Scots Crowns Old and New,
the Fourty, Twenty, and Ten Shilling
Pieces to be Re-coined.*

ANNE by the Grace of GOD, Queen of *Great-Britain, France* and *Ireland*, Defender of the Faith, To Our Lyon King at Arms, and his Brethren Heralds, Macers of Our Privy Council, Pursevants, Messengers at Arms, Our Sheriffs in that part, Conjunctly and severally, specially Constitute, Greeting; *Forasmuchas*, We by Our former Proclamation of the Date the Nineteenth Day of *September* last, In prosecution

secution of the Fifteenth Article of the Treaty of Union betwixt the two Kingdoms, for reducing the Coin of *Scotland*, to the Standart and Value of the Coin of *England*, and of the Remit made by the late Parliament of *Scotland* to Our Privy Council for that Effect, Did, upon the Grounds therein narrated, give full and distinct Orders to all Our Liedges, Owners and Possessors of any Species of Foreign Coin then current in *Scotland*, for bringing in the same in order to be Re-coined and reduced to the Standart of *England*; And thereupon did farther Ordain and Declare, That after the sixth day of *October* then next and now past, all the foresaids Foreign Species of Money should be no more current, but only held and repute as Bullion in manner mentioned in the said Proclamation; And that after the fifteenth day of the said Month of *October*, it should only be received at the *Mint* as Bullion to be Re-coined without any Consideration of Loss, and with the benefit of a free Coynage allannerly, with the Exception contained in favours of the Bank in manner mentioned in the said Proclamation. And it being farther Resolved by Our Privy Council in *Scotland*, after the calling in of the foresaid Foreign Species of Money, to be Re-coined in the first place, That then the present *Scots* Coin now current in *Scotland*, should also be called in, in order to the said Reduction, as Our Privy Council should think fit. And there being sufficient provision now made to prevent the want, and maintain the Currency of Money and Species; Therefore We, in pursuance of the said Resolve, with Advice of Our Privy Council, have thought fit to Intimat, and do hereby solemnly Intimat to all Our Liedges, Owners and Possessors of the several Species of Our *Scots* Coin following. *viz.* *Scots* Crowns Old and New, Fourty shilling, Twenty shilling, and Ten shilling Pieces, That they may at their pleasure, bring in and offer the same to the Bank in *Edinburgh*, who will be ready to receive the saids *Scots* Species upon every ordinar Day of the Week, (*Saturday* excepted) betwixt Eight and Twelve in the Forenoon, and Two and Six in the Afternoon; And for which they are immediately upon the Receipt to Issue and give out their Notes, or make payment in other current Money to the said Owners and Possessors, in the Option of the Demander, and that betwixt and the Tenth Day of *February* next to come *inclusive*; Reserving always to such as shall not be willing to Lodge their Money in the Bank, Liberty and Privilege of giving it in to the *Mint*, for Re-coinage in due course as said is; And farther, We with Advice foresaid, Do hereby Ordain and Declare, That after the said Tenth Day of *February* next to come *inclusive*, All the foresaid Species of *Scots* Money, *viz.* Crowns Old and New, Fourty shilling, Twenty shilling, and Ten shilling Pieces, shall be no more Current nor offered, nor receivable in any payments; But shall, from and after the said Day, be only held and repute as Bullion to be disposed upon by the Owners, within the Kingdom as they shall think fit, except as to the Bank of *Scotland* at *Edinburgh*, by whom the same shall be received at the full Value, until the Twenty Fifth Day of the said Month of *February* next *Inclusive*, and no longer in manner above-mentioned; Declaring farther, That the foresaids *Scots* Species, hereby Discharged and turned to Bullion, as said is, shall, from and after the said Twenty fifth Day of *February* *Inclusive*, be only received at the *Mint*, by whomsoever presented, either by the Bank, or any other of Our Liedges as Bullion, to be Re-coined according to the said Standart and Value of the Coin of *England*; but without any Consideration of Loss, which they may thereby sustain, and with the Benefit of a free Coinage allannerly, as was formerly in use: Excepting always herefrom, all the saids *Scots* Species,

that shall be given in to, and found in the Bank, before and upon the said Twenty Fifth Day of *February*, according to an Accompt thereof to be taken by Order of Our Privy Council for certifying the same, to the effect, that when given in by the Bank at any time thereafter to the *Mint* for Re-coinage; The Bank and the Directors thereof, may have their Loss and Allowance thereupon made good to them as given in before the said Day. OUR WILL IS HEREOF, &c.

N^o I.

KING *Edward* likewise to perfect the Marriage between his Son Prince *Edward* and *Margaret* Queen of *Scots*, with the general Approbation of the Keepers, Nobles and Natives of that Realm, Granted and Ratified to the Nobles and People of *Scotland* these ensuing Articles, agreed on by special Commissioners sent on both sides, and approved by him, by Letters under his Great-Seal, which he took an Oath to observe, under the Penalty of Forfeiting 100000 *lib.* to the Church of *Rome*, towards the Holy Wars, and subjecting himself to the Popes Excommunication, and his Kingdom to an Interdict in case of Violation or Nonperformance, as the following Patent. (enrolled both in *Latine* and *French*) attests.

Universis ad quorum notitiam presentes Literæ pervenerint, *Edwardus* Dei Gratia Rex *Anglia*, &c. salutem in Domino, Cum nos nuper ad partes *Scotia* destinassemus venerabiles Patres in Christo *Antonium Dunelmensem* & *Radulphum Carliolensem* eadem gratia Episcopos, & Nobiles Viros *Johannem Gavennæ* & *Henricum Lincoln* Comites, *Willielmum de Vescy* Militem, & Magistrum *Henricum de Newark*, Decanum Ecclesiæ *Ebor.* nostros solempnes Nuncios & Procuratores qui nostro Nomine aliqua annuissent & concessissent Custodibus, Episcopis, Abbatibus, Comitibus, Baronibus, ac toti Communitati ejusdem Regni *Scotia*; si per eos sic concessa nobis & nostro consilio placuissent; ac prædicti Nobiles ac tota Communitas Regni *Scotia* prædicti ob hoc & alia negotia misissent ad nos venerabilem Patrem *Robertum* Dei Gratia *Glasguensem* Episcopum, & Nobilem Virum Dominum *Johannem Comyn* Custodes Regni *Scotia*, ac venerabilem Patrem *Alanum* eadem Gratia *Cathariensem* Episcopum suos solempnes Nuncios & Procuratores: Nos super prædictis per nostros Nuncios concessis informati & consulti, considerantes etiam, & ponderantes amorem & affectionem quam Gens prædicti Regni *Scotia* habet ad nos, & filium nostrum & heredem *Edwardum*, concessionem, & factum prædictorum Nunciorum nostrorum ratum habemus & firmum, prout de verbo ad verbum est infra scriptum de tali tenore. Universis ad quos presentes literæ pervenerint, *Antonius Dunelmensis*, & *Radulphus Carliolensis* Dei gratia Episcopi, *Johannes de Gavenna*, & *Henricus de Lincoln*, Comites *Willielmus de Vescy* miles & *Henricus de Newark* Decanus Ecclesiæ *Ebor.* Procuratores speciales & Nuncii solempnes Magnifici Principis Domini *Edwardi* Dei Gratia Regis *Anglia* illustris, salutem. Cum inter cætera quæ contingunt negotium & tractatum habitum inter excellentissimum Dominum nostrum supradictum ex parte una; & venerabiles Patres Custodes,

stodes & ceteros Episcopos, Abbates, et totum Clerum, nobiles viros,
 Comites & Barones, totamq; Communitatem Regni *Scotia*, ex altera, su-
 per Matrimonio contrahendo inter Dominum *Edwardum*, Filium & Hæ-
 redem prædicti Domini nostri Regis, & Dominam *Margaretam* natam
 egregii Principis Domini *Erici* Regis *Norwagia* ejusdem Regni *Scotia*,
 Hæreditariam & Reginam; a nobis esset petitum ex parte eorundem Cu-
 stodum, Prælatorum, Nobilium, & Communitatis ipsius Regni *Scotia*, quod
 pro Domino nostro prædicto & hæredibus suis, eis concederemus & firma-
 remus, Jura, Leges, Libertates & Consuetudines dicti Regni *Scotia*, tam
 Ecclesiasticas quam Seculares, hætenus usitatas & optentas: Nos habita-
 consideratione diligenti ad pacem & tranquillitatem utriusq; Regni, &
 mutuum dilectionem habitantium in eisdem, cunctis temporibus remansu-
 ram, concedimus nomine & vice Domini nostri prædicti & hæredum suo-
 rum, quod Jura, Leges, Libertates & Consuetudines ejusdem Regni *Scotia*,
 in omnibus & per omnia, per totum ipsum Regnum & ejus Marchiam,
 integræ & inviolabiliter perpetuis temporibus observentur: Salvo jure
 dicti Domini nostri, & alterius cujuslibet, quod sibi vel alii cuicumq; super
 his quæ consistunt in Marchia vel alibi ante præsentis concessionis tem-
 pora, competit, vel competere justo modo poterit in futurum. Volen-
 tes & concedentes expresse nomine dicti Domini nostri, hæredum suorum
 & nostro, quod deficientibus prædictis *Edwardo* & *Margareta*, vel eorum
 altero absque liberis extantibus, in omni casu & eventu, in quo ad proxi-
 miores hæredes, regnum prædictum debeat de jure reverti, integre, libere,
 absolute, absq; ulla subjectione revertatur & restituatur eisdem; si forsan
 ad manus antedicti Domini nostri Regis vel hæredum suorum, ipsum Re-
 gnum *Scotia* aliquo casu contingerit devenire. Ita quod ratione præsen-
 tis facti Domino nostro, Regi vel hæredibus suis, aut alicui alii nichil ac-
 crescat aliquatenus vel decrescat. Similis vero fiat restitutio, per præ-
 dictum Dominum nostrum Regem vel hæredes suos, de Corpore prædictæ
 Domine *Margareta*, si in eventu reversionis hujusmodi, in ipsius vel hæ-
 redum suorum fuerit potestate, secundum formam ordinationis & con-
 ventionis factæ super hoc apud *Sarum*. Concedimus insuper & promitti-
 mus bona fide, Domini nostri prædicti nomine & hæredum suorum, quod
 quando prædicta *Margareta*, Domina & Regina *Scotia* maritabitur charis-
 simo nato & hæredi ejusdem Domini nostri *Edwardo*, dotabitur vel ha-
 bebit in dotationem propter Nuptias, de cæteris terris in Regno *Anglia*,
 prout decet congrue statum suum, unde ipsa Regina & amici sui conten-
 ti rationabiliter esse poterunt & debebant. Promittentes nihilominus vice
 & nomine prædicti Domini nostri Regis & hæredum suorum, quod Regnum
Scotia remaneat separatum & divisum & liberum in se, sine subjectione a
 Regno *Anglia* per suas rectas, divisas & Marchias, sicut a retro hætenus exti-
 tit observatum. Salvo jure dicti Domini nostri & alterius cujuslibet, quod
 sibi vel alii cuicumq; super his, quæ consistunt in Marchia vel alibi, ante
 præsentis concessionis tempora competiit, vel competere justo modo po-
 terit in futurum. Set quod Castra & Fortalicia, de novo in Marchia non
 firmentur, non sumus in hoc consulti, quod dicto Domino nostro Regi
 & suis, talem imposeremus servitutem, ubi antecessores & homines sui usi
 sunt hætenus firmare Castra, fortalicia, & Domos in terris suis, sicut
 fecerunt sui Progenitores, quia alias majori subjicerentur servituti, quam
 illi de Regno *Scotia* vel aliqui antecessorum suorum. Ad hæc, expresse
 concedimus pro eodem Domino nostro & Hæredibus suis, quod Capitula
 Ecclesiarum Cathedralium, Collegiatarum & Conventualium, quæ pro-
 prias habent Electiones, non compellantur exire Regnum ipsum *Scotia*,
 ad petendum licentiam eligendi, vel præsentandi suos Electos, vel fide-
 litatem Regi *Scotia* facere seu Sacramentum. Et quod nullus tenens in

Capite de prædicto Rege *Scotia* compellatur exire Regnum pro homagio, fidelitate seu fine, pro relevio faciendo. Illud idem viduis & miserabilibus personis in petendis & habendis dotibus & quærenda Justitia concedentes. Set in Regno ipso, aliquis ex parte dicti Domini nostri, Regis, nomine Domine *Margareta* ipsius Regni Reginae, & Domini *Edwardi* filii & hæredis Domini nostri prædicti deputetur, ad jam dicta recipienda & eorum nomine facienda: Salvo homagio quod in personali Regis præsentia fieri oportebit, set fidelitate facta, habeat Seisinam terræ suæ sine dilatione per breve de capella. Nec quod aliquis de Regno *Scotia*, pro contractu inito, vel delicto commisso in eodem Regno, vel in aliquo casu teneatur, respondere extra idem Regnum, contra Leges & Consuetudines ejusdem Regni, sicut hætenus extitit rationabiliter observatum. Et quod Sigillum Regni, quod nunc currit, post mortem Regis teneatur & currat, quousque Regina prædicta venerit in Regnum suum, & fecerit Deo & Ecclesiæ, ac Communitati ipsius Regni, in loco ad hoc specialiter deputato, quod fuerit faciendum, secundum Leges & consuetudines dicti Regni, & quod tunc fiat novum Sigillum de consuetis Armis & Circumscriptione nomine Reg. *Scotia* tantum, penes Cancellarium ejusdem Regni, qui pro tempore fuerit, remansurum. Volentes quod habeant Cancellarium de Regno, & in Regno *Scotia* residentem ad Officium Cancellar. exequendum. Et idem concedimus de Camerario, Clerico de Rotulis Capellæ Domini Regis, Justiciariis, & aliis ejusdem Regni Ministris; & quod nulla litera jus commune, vel gratiam continens specialem, de dicta Cancellaria transeat, nisi secundum solitum & debitum cursum, Capellæ Regis & Regni *Scotia* prædictorum. Reliqua vero Cartæ, privilegia & alia munimenta, quæ tangunt Regalem dignitatem & Regnum *Scotia*, in tuto loco ponantur sub firma Custodia infra Regnum *Scotia* & sub Sigillis majorum de Regno, & per visum eorum, donec prædicta Domina venerit in Regnum suum, & prolem habuerit superstitem, & prædicta munimenta ac privilegia in suis juribus integraliter custodiantur. Et similiter, quod nulla fiat subjectio, alienatio, vel obligatio rerum ad Regalem dignitatem regni *Scotia* pertinentium, donec prædicta Domina & Regina in Regnum suum venerit, & Prolem superstitem habuerit, ut superius est expressum: promittentes firmiter & concedentes, quod nati & hæredes, Comitum, Baronum & Nobilium, qui pro tempore erunt in Custodia & Maritagio Domini Regis *Scotia*, post mortem antecessorum suorum, per prædictum Regem nullatenus disperagentur. Nec quod Parliamentum teneatur extra Regnum & Marchiam *Scotia*, super his quæ contingunt ipsum Regnum, vel Marchiam, seu statum inhabitantium ipsum Regnum, Nec etiam tallagia, auxilia, exercitus vel malatanta, exigantur a prædicto Regno, aut imponantur gentibus ejusdem Regni, nisi pro communibus Regni negotiis expediend, & in casibus in quibus Reges *Scotia* talia petere consueverunt. Ad quæ omnia supradicta integre & fideliter observanda, prædictus Dominus noster Rex faciet in animam suam jurari. Et Prælati ac Magnates *Anglia* infra scripti, videlicet *Cantuar.* & *Ebor.* Archiepiscopi, ac *Winton.* *Lincoln.* *Dunelm.* & *Carlol.* Episcopi, necnon Nobiles viri Domini, *Edmundus*, Domini nostri Regis Germanus, & *Cornub.* *Pembrok.* *Glovernia.* *Warennia.* *Lincoln.* *Norff.* & *Suff.* & *Oxon.* Comites, fideliter procurabunt præmissa firmiter observari. Et si Rex egerit extra Regnum, quod locum suum tenens, vel tenentes in ejus absentia, vel Hæres ipsius Domini Regis legitimæ ætatis existens, aut ejusdem hæredis Custos seu Custodes, dum fuerit minoris ætatis, qui libet in suo Casu præstabunt seu præstabit consimile Sacramentum. Promittimus etiam, quod prædictus Dominus noster Rex, pro se & hæredibus suis obligabit se ad restitutionem dicti Regni faciendam in casibus supradictis,

dictis, sub pœna centum Millium Librarum sterlingarum, solvendarum Ecclesiæ Romanæ in subsidium terræ sanctæ. Et præter hæc quod Dominus Papa dictum Dominum nostrum Regem & hæredes suos possit per sententias excommunicationis in personas, & interdicti in Regnum & Terras eorundem, tam ad Regni prædicti restitutionem, quam ad pœnæ solutionem, si commissæ fuerit, coercere; principali obligatione nihilominus in suo robore duratura. Concedimus insuper & promittimus nomine Domini nostri Regis prædicti, quod idem Dominus noster, præsentem obligationem propriis sumptibus & pro viribus faciat, infra annum a tempore sponsalium; inter prædictos *Edwardum & Margaretam*, contractorum, articulatim per summum Pontificem confirmari, & infra idem tempus, Communitati Regni *Scotiæ* liberari; quod si infra annum prædictum id facere non poterit, illud quam citius potuerit, fieri impetrabit, ita quod illud perficiatur: Et si hoc non faciat suo tempore, quod Hæredes sui ad id faciendum bona fide teneantur. Protestamur etiam in huius scriptis, quod omnia præmissa taliter intelligantur, quod juri unius Regni vel alterius ratione præsentis facti, nichil decrescat aliquammodo vel accrescat: Nec alicui Regum Regnorum prædictorum, quin libere habeant statum suum. In quorum omnium & singulorum præmissorum testimonium & evidentiam plenior, Sigilla nostra præsentibus duximus apponenda. Dat. apud *Brigh.* die Martis proxima ante festum beatæ *Margaretæ* Virginis, videlicet 15 Kal. *Augusti* anno Domini 1290. & ad majorem hujusmodi Ratificationis & Confirmationis nostra ac omnium prædictorum Autoritatem & evidens testimonium has literas nostras fieri fecimus patentes, Sigillo nostro Regio consignatas. Dat. *Norbr.* 28. die *Aug.*

But the Death of this Queen a little before her designed Voyage towards *Scotland* and *England*, put a Period to all the promised Procurations, Patents, Articles; frustrated this much desired Marriage between Prince *Edward* and Her, and raised new Questions between the Competitors for the Crown, which of them was next Heir thereunto, who all referred the final Decision thereof to King *Edward*.

Nº 2.

Nicholaus Episcopus servus servorum Dei, dilecto filio nobili Viro *Edwardo* nato charissimi in Christo filii nostri *Edwardi* Regis *Angliæ* illustris, salutem & Apostolicam benedictionem. Petitio tua nobis exhibita continebat, quod propter Contiguitatem *Angliæ*, *Scotiæ*q, regnorum diversa scandala, rancores, & odia inter ipsa regna & eorum Reges hætenus sunt exorta, ex quibus nonnulla rerum & corporum contigisse pericula dignoscuntur, sicque cum claræ Memoræ A. Rex *Scotiæ* sit viam universæ Carnis ingressus proprio Masculino genere non extante, & dilecta in nobis Christo filia *Margaretæ* nata charissimi in Christo filii nostri *Erici* *Norwegiæ* Regis illustris, Neptis prædicti Regis *Scotiæ*, regno ipsi *Scotiæ* regi succedat verisimiliter dubitatur, quod si forsân Regnum ipsum ad manus alterius ex ipsius *Margaretæ* contrahendo conjugio proveniret, de facili possent hujusmodi scandala, rancores & odia pullulare, ac provenire ex ipsis pericula graviora; Unde ad hujusmodi periculis obviandum, ac ad sedandum & obliviscendum scandala, rancores, & odia supradicta, & ad procurandum & nutriendum veræ pacis & dilectionis commoda, inter prædicta Regna & Incolas eorundem, desideras cum prædicta *Margaretæ* ma-

rimonialiter Copulari. Set quia tertio Consanguinitatis gradu quo tu & eadem *Margareta*, nata ex quadam *Margareta* Consobrino tua præfati *Norweg.* Regis Uxore, vobis attinetis ad Invicem prohibente, id non potest perducere legitime ad effectum, Apostolicæ sedis licentiam super hoc humiliter implorasti; Nos itaque in prædictis Regnis & ubique locorum Deo & Romanæ Ecclesiæ devotorum, pacem & concordiam affectantes & intendentes ad id studia quæ possumus adhibere: Sperantes quoque quod ex hujusmodi matrimonio, si fiet, memoratis Regnis, odiorum tenebris inde propulsa, prosperitatem quamplurimum, dante Domino incrementa provenient. Considerantes etiam, quod si prædictum Regem patrem tuum, juxta sui voti præfagia, contingat in Terræ sanctæ subsidium proficisci, posset ipsi Regi suoque Regno & tibi, & per consequens præfata terræ sanctæ negotio, si alii prædicta *Margareta* nuberet, deperire. Pensantes insuper, quod nulla ex hujusmodi provenire debere scandala verisimiliter formidantur.

Hiis & aliis dignis considerationibus subsistentibus excitati, tuis supplicationibus annuentes, tecum & cum *Margareta* præfata ut impedimento consanguinitatis hujusmodi non obstante Matrimonium Invicem legitime contrahere, ac in contracto licite remanere possitis, Autoritate Apostolica de speciali gratia dispensamus; prolem suscipiendam ex te ac dicta *Margareta* ex hujusmodi matrimonio nunciantes ex nunc legitimam, de Apostolica plenitudine potestatis. Nulli ergo omnino hominum liceat hanc paginam nostræ Dispensationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem Omnipotentis Dei, & beatorum *Petri & Pauli* Apostolorum ejus, se noverit incursum. Dat. *Roma* apud Santam *Mariam* majorem, 16 Kal. *Decembris*, Pontificatus nostri anno secundo.

Nº 3.

Magnifico Principi & amico suo Karissimo Domino *Erico*, Dei Gratia Regi *Norwegia* illustri, *Edwardus* Dei Gratia Rex *Anglia*, Dominus *Hibernia*, & Dux *Aquitania* salutem, & prosperis semper successibus habundare. Cum ex liberali benignitate Sedis Apostolicæ sufficiens & plena nobis dispensatio de filio nostro *Edwardo* & *Margareta* filia vestra Regina *Scotia* Matrimonialiter adinvicem copulandis, non obstante consanguinitatis gradu, quo sibi adinvicem attinere noscuntur, per sanctissimum patrem nostrum Dominum *Nicolaum* ejusdem Sedis ac universalis Ecclesiæ summum Pontificem, rite & inspirante gratia salvatoris sit concessa, & realiter jam obtenta; ad quod utique Custodes, Magnates, Prælati ac tota Communitas prædicti Regni *Scotia*, unanimi & expressa voluntate suam præbuerunt jam consensum; id quod vobis, ut confidimus, propter utriusque Regni *Anglia* & *Scotia* secundam prosperitatem & mutuam utilitatem placidum & acceptum esse, verisimiliter attendamus, vestram serenitatem regiam requirimus & rogamus attentei quatenus ad tam felicem dictæ dispensationis & copulæ conjugalis effectum prosequendum finaliter & complendum, prædictæ Domine *Margareta* filia ad partes nostras *Anglicanas* adventum curetis adeo tempestive maturare, ut obnixius obstringamur. Grave siquidem gereremus, si nostra hinc inde vota in hoc aliquo discreparent, aut saltem protelare faceretis, quod in hac parte regiam Celsitudinem non deceret. Valeat & vigeat feliciter Regia *Majesta*,

jeftas veftra, & prosperis femper floreat incrementis. Dat. apud *Aumbrifbury* 15 *Kal. Maii* anno Regni noſtri decimo octavo.

Eidem Regi, *Edwardus* Dei Gratia Rex *Anglia*, Dominus *Hybernia* & Dux *Aquitania*, ſalutem, & prosperis ſemper ſucceſſibus habundare. Ad frequentem & votivam instantiam venerabilis patris Domini *Antonii* Dei Gratia *Dunelm.* Episcopi veftram de Regno *Scotia* utilitatem affectantis, & vehementer proſequentis, quam utique nos in hoc & in aliis appetimus ſœliciter proſperari, damus, concedimus & committimus eidem Episcopo plenam & ſpecialem Potestatem & Authoritatem plenariam, vobiſcum per ſe, vel per ſuos procuratores, aut nuncios ſpeciales, tractandi, confe- rendi, ordinandi Juramento, Scriptis vel Obligationibus, ſuo & noſtro no- mine, ſi neceſſe fuerit affirmandi negotia, vos & nos Filium noſtrum & Filiam veftram contingentia, ſecundum quod magis viderint expedire. Ratum habentes & firmum quicquid per prædictum patrem *Dunelm.* Epif- copum vel nuncios aut procuratores ſuos, vel eorum aliquos, ad hoc ſpe- cialiter deputatos factum, ordinatum vel affirmatum fuerit ſuo & noſtro nomine in præmiſſis. In cujus, &c. Sigillum noſtrum fecimus præſentibus appendi. Dat. apud *Wodeſtok* 10 die *April.* anno, &c. eodem.

Et memorand. quod iſtæ duæ literæ, licet ſint de data in eis contenta, Irrotulata fuerunt hic, eo quod tangunt factum *Norwag.* & nichilominus iſta ultima litera irrotulata eſt in Rotulo patentium de anno *xvii.* Menſe *April.*

Nº 4.

Omnibus has literas viſuris vel audituris, *Edwardus*, &c. ſalutem. No- veritis nos literas cuſtodum Regni *Scotia* communi Sigillo Regni e- juſdem ſignatas, non cancellatas, non aboliſas, nec in aliqua ſui parte vitiatas, in forma quæ ſequitur, inſpexiſſe. Excellentiffimo Prin- cipi Domino *Edwardo* Dei gratia Regi *Anglia* illuſtri, Domino *Hibernia*, & Duci *Aquitania*, Cuſtodes Regni *Scotia* per Communitatem ejusdem Regni, ſalutem, & continuum ſemper gloriæ & honoris incrementum. No- tum vobis facimus per præſentes, quod cum ad preces & instantiam ve- ſtram, ad præſentiam veftram venerabiles in Chriſto Patres *W. & R.* per- miſſione divina Sancti *Andrea* & *Glaſguen.* Episcopos, nobiles viros *Robertum* de *Brus* Patrem, Dominum *Wall. Anand.* & *Johannem Comyn* deſtine- mus pro quibuſdam rebus ſeu negotiis, vobis per quosdam ſolempnes nuncios Domini Regis *Norwag.* illuſtris, ſuggeſtis, ſicut per Literas veftras nuper nobis miſſas didicimus; damus & concedimus prædictis deſtinatis poteſtatem & mandatum tractandi cum dictis nunciis *Norwag.* coram vo- bis, ſuper rebus ſeu negotiis vobis expoſitis per eofdem, & ea quæ erunt in veftra præſentia ab utraquæ parte concorditer ordinata, affirmandi. Salvis tamen in omnibus & ſingulis & per omnia libertate & honore Reg- ni *Scotia*; Ratum & gratum habituri quicquid per prædictos deſtinatos in veftra præſentia tractatum fuerit & affirmatum; dummodo ex hoc Regno *Scotia* & ejus incolis nullum imposterum præjudicium generetur. In cujus rei teſtimonium, has Literas patentes Sigillo regimini Regni *Scotia* deputato fecimus ſigillari. Dat. apud Monasterium de *Melros*, tertio die *Octobris*, anno gratiæ 1289. In cujus, &c.

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Memorand. quod ista litera sigillata liberata fuit in Ecclesia beata *Maria Sarum* septimo die *Novembr.* anno, &c. decimo septimo per manum venerabilis patris *R. Barbon & Wellen.* Episcopi Cancellar. Regis, nunciis Regis *Norweg.* Et Litera originalis una cum litera subsequente, eodem die in eadem Ecclesia, liberata fuit per manus ejusdem Cancellarii Domino Episcopo *Dunelm.* In presentia venerabilis patris Domini *Wigorn.* Episcopi, & Domini *W. de Valen.* & *J. de Warenn.* Com. Sarr. per manum ejusdem Episcopi *Dunelmen.* in *Garderoba* Regis liberand.

Nº 5.

Omnibus has literas visuris vel audituris, *Edwardus*, &c. salutem. Noveritis nos literas serenissimi Principis *Ericii*, eadem gratia Regis *Norweg.* Illustris Sigillo suo signatas, non cancellatas, non abolitas, nec in aliqua sui parte vitiatas, in forma quæ sequitur, inspexisse. Excellentissimo & magnifico Principi, affini & amico suo Karissimo, Domino *Edwardo* Dei gratia Regi *Anglia.* Domino *Hybernia,* & Duci *Aquitanie,* *Ericius* eadem gratia Rex *Norweg.* salutem, & sinceræ dilectionis *Constantiam*, cum Honoris & Gloriæ perpetuis incrementis. Noverit vestra Majestas Regia, quod nos dilectos ac fideles nostras, *Tirricium* de campis Iudi Baronem *Petrum Algothi*, quondam Regni *Suet.* Cancellar. *Thorwaldi* de *Shetland,* & *Guthorinum* de *Osleya,* Milites, latores presentium, facimus, constituimus & ordinamus nostros veros & legitimos procuratores & nuncios speciales, ad tractandum & conferendum cum Serenitate vestra, super quibusdam negotiis, nos & filiam nostram Karissimam *Margaretam* consanguineam vestram, Dominam ac Reginam *Scotia,* ac ipsum regnum suum *Scotia* tangentibus: Dantes & concedentes eisdem nunciis & procuratoribus nostris auctoritatem plenariam & mandatum speciale ad stabilienda prædicta negotia, & ad omnia alia facienda, sine quibus prædicta negotia expedire non possint, prout nobis & filia nostra supradictæ melius credere viderint ad commodum & honorem. Ita tamen quod si omnes hiis expediendis interesse nequiverint, tres vel duo ex ipsis nichilominus in negotiis procedant supradictis. Ratum habituri & gratum, quicquid per dictos nuncios & procuratores nostros, seu ipsorum tres vel duos factum fuerit & ordinatum, in præmissis seu quolibet præmissorum. In cujus rei testimonium præsens procuratorium sigilli nostri appensione duximus roborandum. Dat. apud Civitatem *Bergens.* Kal. *April.* anno Regni nostri decimo. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste meipso apud *Clarendon.* 6 die *Novembr.* anno Regni nostri decimo septimo.

Nº 6.

REX Prelatis, magnatibus, ac toti communitati Regni *Scotia,* salutem & dilectionem sinceram. Quia negotia, quæ contingunt Karissimam consanguineam nostram, *Margaretam* Dominam & Reginam Regni ejusdem, ad honorem Dei & tranquillitatem totius Communitatis ejusdem Regni, ac commodum & profectum ipsius consanguineæ nostræ præ-

prædictæ bene & fideliter prosperari, totis desideriis peroptamus; vos requirimus & rogamus attente, quatinus custodibus ad regimen dicti Regni nomine prædictæ nostræ consanguineæ deputatis, taliter intendentes sitis & obediētes, quod nos & Domina vestra antedicta possimus & debeamus fidelitatem vestram habere merito commendatam. Proponimus siquidem statim post instans Parliamentum nostrum *London.* ad partes vestras *Scotia*, aliquos de nostro concilio destinare; per quos ac etiam per ipsius terræ custodes de statu ejusdem Regni, quem appetimus tranquillum & pacificum semper esse, certificati erimus, Deo dante. Dat. apud *Clarendon.* ut supra. Et sunt Clausæ.

No. 7.

CUM egregius Princeps *Eryk. Rex Norweye*, & Domina *Margareta* nata Regis ejusdem, Domina Regina & hæres Regni *Scotia*, requisivissent per suos solempnes nuncios, Dominum videlicet *Terricum de Campis ludi*, *Petrum Algothi*, & *Gutborinum de Aseleya*, magnificum Principem Dominum *Edwardum* Dei gratia illustrem Regem *Anglia*, quod ipse opem apponeret & consilium, qualiter prædictæ Regina neptæ suæ obediretur, ut Domina Regina, & Hæres Regni *Scotia* supradicti, & quod ipsa inde ordinare possit pariter & gaudere, prout aliis faciunt Reges regnis, præfatus Dominus *Anglia* Rex illustris pro bono pacis dicti regni *Scotie*; & reformatione status suæ neptæ, jam dictæ, Custodibus regni *Scotia* literas suas misit, quod Custodes ipsi mitterent personas nominatas & certas, qui potestatem haberent tractandi formam aliquam pro se & aliis, ad emendationem dicti regni *Scotia*, & reformatione status Reginae jam dictæ. Iidem quoque Custodes ad requisitionem hujusmodi Domini Regis *Anglia* prælibati, miserunt, juxta effectum requisitionis ejusdem, venerabiles in Christo patres Sancti *Andree* & de *Glasquen.* Episcopos, & nobiles viros Dominos *Robertum* de *Brus*, Dom. *Val.* de *Anaunt*, & *Johannem* de *Comyn*, ad tractandum prout superius est jam dictum; qui apud *Saresbur.* venientes, ad mensem Sancti *Michaelis* prox. nunc elapsum, ad quem locum prædictus Dominus Rex *Anglia* honorabiles in Christo patres Dominos *Godefridum Wygorn.* & *Antonium Dunelmensem* Episcopos, ac egregios viros, dominos *Guillielm.* de *Valenc.* *Pembrok.* & *Johannem* de *Garenum* Com. pro tractatu prædicto transmisit, qui similiter venientes ibidem ad tractand. ex parte ipsius Regis *Anglia* cum nunciis *Norweye*, & nominatis *Scotorum* supra dictis, post disceptationes inter eos varias & tractatus, in formam tandem talem pariter concordarunt, videlicet, Quod præfata Domina Regina & Hæres in Regnum veniat *Anglia* aut *Scotia* citra festum omnium Sanctorum proximo jam futurum, ab omni contractu maritagii & sponsalium libera & quieta, & hoc præfati nuncii *Norweye*, quantum in ipsis est bona fide promiserant, se procuratores futuros & curatores citra terminum jam prædictum, nisi Regina rationabile & allocabile effonium habeat in hac parte. Promisit insuper bona fide jam dictus Rex *Anglia*, quod si præfata Domina ab omni contractu Maritagii & Sponsalium, in manum suam aut Custodiam libera veniat & quieta; & quando Regnum *Scotia* affecuratum bene fuerit & in pace, ita quod Domina ipsa secure venire valeat, & in eo morari, ipsumque Regem *Anglia* per gentem Regni *Scotia* requiri continget, idem Rex *Anglia* eandem Dominam in regnum *Scotia* mittet, ita liberam & quietam a contractibus, de quibus superius est locutum,

sicut recepit eandem. Ita tamen quod bona gens *Scotia*, antequam ipsam Dominam recipiant, sufficientem faciant securitatem & bonam Regi *Anglia* prenotato, quod prædictam Dominam, nisi per ordinationem ipsius, voluntatem & concilium, ac per assensum Domini Regis *Norweye* Patris ipsius Dominae nullatenus maritabunt. Prænominati vero Missi *Scotia* promiserunt similiter bona fide pro se & aliis Regni *Scotia*, quod ipsi assecurabunt terram *Scotia* antequam dicta Domina veniat in eandem, & quod securitatem sibi facient, quod inibi ut in Regnum suum secure venire poterit, & pro suæ voluntatis libito commorari, prout ipsius terræ vera Domina, Regina, & Hæres, quodque de præmissis omnes securitates præstabunt, quæ rationabiles fuerint, & quas dicti nuncii *Norweye* ipsos facere posse dicent. Quod si forsan de Custodibus aut Ministris aliquis vel aliqui dicti Regni *Scotia* ipsis de *Norweya* vel Reginae prædictæ inutilis, vel inutiles suspiciosus aut suspiciosi extiterit vel extiterint, totiens Ministri & Custodes amoveantur huiusmodi, quotiens opus erit, & meliores alii de Regno *Scotia* loco ponentur eorum, secundum considerationem & providentiam proborum hominum terrarum *Scotia* & *Norweya*, & illorum insuper quos ad hoc prælibatus Rex *Anglia* duxerit destinandos. Si autem illi de *Scotia* & de *Norwegia* in hac parte concordare non possint, mediantibus ope & consilio gentium Regis *Anglia* supradicti, tunc res ex illa parte se teneat, cui gentes ipsius Regis *Anglia* Consilium concordaverint. Et hoc nedum sit attendendum in expressis superius, set & in omnibus disceptationibus, quæ inter eos in dicto Regno *Scotia* resultabunt, ejusdem Regni statum & reformationem contingentibus quoquomodo. Placeat enim partibus, quod dicti Regni *Scotia* status huiusmodi *Angl.* & *Norweye* Regibus reportetur. Item concordarunt partes prædictæ, quod ad mediam quadragesimam proximo jam futuram erit gens *Scotia* apud *Rokefburgh.* & in circuitu loci ejusdem, gens vero quam transmittet Rex *Anglia* ad Requisitionem illorum de *Scotia* & *Norweya* in partibus de *Warks.* & de *Karbin.* eodem die erit. Ad quem diem promiserunt illi de *Scotia* bona fide de affirmanda præmissis omnibus & complendis, tam de securitatibus, quam cunctis aliis superscriptis, quæ contingunt emendationem Regni *Scotia* memorati: & hoc in illorum præsentia, quos præfatus Rex *Anglia* ad dictos diem transmittet & loca, ut videre possint prædicta firmitet adimpleri. Et in testimonium præscriptorum præfati procuratores Regis *Norweye* & Missi de *Scotia* huic scripto cirographato in tres pecias, quarum duæ in *Galico* penes Regem *Anglia* & illos de *Scotia*, & tertia in *Latinum* translata, penes Procuratores *Norweye* resident, sua apposuerunt Sigilla. Et ad requisitionem Procuratorum *Norweya* & nominatorum *Scotia* prædictorum præfati Domini *Wygorn.* & *Dunelmen.* Episcopi, ac de *Pembrok.* & de *Garen.* Comites superscripti sua similiter præsentibus apposuerunt Sigilla in testimonium præmissorum. Dat. apud *Salesbury* Dominica in Festo Sancti *Leonardi*, Anno Dom. 1289.

N 8.

REX Thesaur. & Camerariis suis salutem. Libertate de Thesaurō nostro Magistro *Giffredo* de *Vexano*, Domini Papæ Clerico, quinque millia Marcarum per manus suas eidem Domino Papæ liberand. de Annis Regni nostri 12, 13, 14, 15, & 16. videlicet, de quolibet Anno mille Marcas, quem idem Dominus Papa percipit ad Scaccarium nostrum. Et recipiatis

piatis ab eodem Magistro *Giffredo* sufficientem quietanciam de pecunia supradicta. Teste Rege apud *Ledes* 18 die *Augusti*.

Nº 9.

REX omnibus ad quos, &c. salutem. Sciatis nos concessisse venerabilibus patribus, *Willielmo* Dei gratia Sancti *Andreae*, & *Roberto* *Glasguen*. Episcopis, ac nobilibus viris, *Roberto* de *Bruys*, Domino *Wal*. de *Anant*. & *Johanni Comyn*, qui ad nos ex parte custodum Regni *Scotie* nuper venerunt in nuncium; & *Terrico* de campis *Ludi*, *Petro* *Algoti*, & *Guithorno* de *Assibeye*, Nunciis & Procuratoribus egregii Principis Domini *Ericii* Regis *Norwag*. Quod si Domina *Margareta* nata Regis ejusdem, nostraque nepta, Domina Regina & Hæres *Scotie*, in partibus *Anglie* veniat, ab omni contractu Maritagii & sponsalium libera & quietam, nos ipsam domicellam ita liberam & quietam ab omni contractu Matrimonii & Sponsalium probis hominibus Regni *Scotie* ad eorum requisitionem liberabimus, quam cito terra *Scotie* prædicta asscurata fuerit & in pace. Ita quod ipsa Domina secure venire valeat in eandem, & inibi commode commorari; sub tali tamen modo, quod prædicti probi homines Regni *Scotie* antequam præfatam recipiant Dominam, sufficientem ponent securitatem & bonam nobis & Regi *Norwag*. supradicto, quod ipsam Dominam nullatenus maritabunt, nisi de consensu nostro, & Regis *Norwag*. supradicti, & hæredum succedentium nobis Regi *Anglie*, si de nobis interim contingat humaniter, vel in remotas partes a nostro Regno prædicto contingeret nos transferre. In quibus casibus hæredes nostros, ac hæredum nostrorum, & Regni Custodes in nostri absentia obligamus ad præmissa servanda, quæ promissimus bona fide. In cujus rei testimonium, &c. Teste Rege apud *Clarendon*. 6. die *Novembr*.

Et sunt Duplicatæ & similiter liberatæ per manum venerabilis Patris *R. Batbon*, & *Wellen*. Episcopi Cancellar. Regis apud *Sarum* 8 die *Novembris*, *Willielmo* de *Bliburg*. per manum suam liberand. Unam videlicet nunciis Regis *Norwag*. & aliam nunciis Custodum *Scotie*.

Nº 10.

AToutz ceus qi ceste lettre verrunt ou orrunt, *Robert* par la grace de Deu Eveske de *Glasguen*. & *Johan Comyn* Gardeyns du Reaume de *Escocce* & *Alayn* per meime. la grace de Deu Evesqe de *Chattenes* solempnes Messages & procururs des autres Gardeyns, & des Evesqes, Abbès, Priors, Countes & Baruns & de tote la Commune de *Escocce*, saluz en Deu. Come les honorables peres en Deu *Anntoyne* de *Dureme*, & *Rauf* de *Cardoyl* par la grace de Deu Evesqes, & les nobles homes *Johan* de *Garenne* & *Henry* de *Nichole* Countes, sire *Guilliam* de *Vescey*, & Mestre *Henry* de *Newerk* deen del Eglise de *Everwyk*, especiaus procururs & solempnes Messages le noble Prince Sire *Edward* par la grace de Deu Roy de *Engleterre*, pur acons perils & suspicions qe il auoient entendu, nus eussent de par meimes le Roy de *Engleterre* demaunde la garde des Chastiens & de Fortelesces du Reaume de *Escocce*, & de Cele demaunde departir ne voleynt faunz Conceillier lou Segniur le Roy avaunt dit. Nus sur ceo & autres choses venimes a la presence meimes le Roy de *Engleterre* avaunt dit. Qui seur celes choses conceil & deliberation euwe a nostre requeste

C c

vous

nous graunta cele chose delaer deges a la venue nostre dame, qe ferra a la touz feinz proshein avenir, ou devaunt si Dieu plect. Pur la quele chose nus Procururs & Messages avaunt diz, ouek aucuns des Gardeyns des Chasteus de *Escoce*, cest asaver Sire *Guillame de Seint Cler. Patrick de Graham*, e *Johan de Soules*, qe il oqe vindrent oue nous, en noun des avaunt diz Gardeyns, Evesques, Abbes, Priors, Countes & Baruns, e tote la Commune du Reaume de *Escoce*, grauntons, volons, & fermement promettons, qe quel hore qe la Dame veigne en *Engleterre* ou en *Escoce*, quite & deliure de tot mariage, estre celui, qe nus auons otrie; Nus icels Chasteus e Fortelesces rendrons & ferons rendre a lavandite nostre Dame, e a noble Ber Sire *Edward* fiz al avant dit Roy de *Engleterre*, E de cel hore enauant les obirons ensemble, come a Seignour e Dame en ceste chose & totes autres qe al avant dit Reaume apendent, de cel hore, qe il ferront venuz en *Escoce*, e averont fet per eus ou per autres dedenz le Reaume serement de quel qe il seient en lu duw, solom les leys e les costomes de la terre de *Escoce*, ne a nul autre mariage ne assentirons, ne a autre Seigneur ne obirons, taunt qil viveront, si il ne soit par le assent e la volente le Roy de *Engleterre*, e Sire *Edward* son fiz. E si la Dame ne veigne en *Engleterre* ou en *Escoce* entre cy e la touz feinz prochein avenir, nus volons e promettons pur nus & pur touz les autres du Reaume de *Escoce*, qe touz les Gardeyns des Chasteus e de Fortelesces de meimes le Reaume seient adonqe obligez per serement e par escrit, de garder e de sauver i ceus Chasteus & Fortelesces al oese en noun nostre Dame anaunt dite, e Sire *Edward* fiz e heyr le avant dit Roy de *Engleterre*. E si nul des Gardeyns des Chasteus e de Fortelesces seyt ou seient renablement suspecenous a eus ou a nous, il ferount remuwe taunt de foiz come mester ferra per commun counseil du Roy de *Engleterre*, e de bone gent de *Escoce*, e as autres du Reaume nient suspecenous, souz bone seurte bailleu. Memes la chose grauntons, otrions & promettons des Gardeyns e des autres Ministres du Reaume.

N^o II.

‘**W**hat tho it would seem most proper for the *Scots* to sue to us, who are
 ‘Superiors in the Field, and Masters of a great part of their Realm;
 ‘yet that our charitable Mind and Brotherly Love might be known, We
 ‘do by all means possible provoke and call you to your own Commodity
 ‘and Profit, as the Father does the Son, or the Elder Brother the young-
 ‘er——and invite you to AMITY and EQUALITY, because as We
 ‘inhabit in the same Island, there is no People so like one another in Man-
 ‘ners, Customs and Language——But because some object that we
 ‘don’t seek EQUALITY, nor the Marriage, but a Conquest, and that we
 ‘would not be Friends but Lords, altho our Proclamation at the last
 ‘Wars did enough declare the contrary: yet here We declare to you and
 ‘all Christian People, to be the Kings Majesty’s Mind our Master’s, by
 ‘our Advice and Counsel, not to Conquer but to have in Amity, not to
 ‘win by Force, but to conciliate by Love, not to spoil and kill, but to
 ‘save and keep, not to dissever and divorce, but to joyn in Marriage
 ‘from high to low both the Realms, to make of one Isle, one Realm, in
 ‘Love, Amity, Concord, Peace and Charity——We offer Love, We
 ‘offer EQUALITY and Amity; We overcome in War and offer Peace;
 ‘We

' We win Holds and offer no Conquest; We get in your Land, and offer
' *England*——What can be more offered and more proffered, THAN IN-
' TERCOURSE OF MERCHANDIZES and interchange of Marriages, the
' abolishing of all such our Laws as prohibit the same, or might be Impe-
' diment to the mutual Amity? We have offered not only to leave the
' Authority, Name, Title, Right or Challenge of Conqueror, but to receive
' that which is the Shame of Men overcome, to leave the Name of the
' Nation, and the Glory of any Victory (if any we have had, or should
' have of you) and to take the indifferent old Name of *Britains* again; be-
' cause nothing should be left on our part to be offered, nothing on your part
' unrefused, whereby ye might be inexcusable.—— What Face hath this
' of Conquest? We intend not to disherit your Queen, but to make Her
' Heirs Inheritors also of *England*. WE SEEK NOT TO TAKE FROM
' YOU YOUR LAWS NOR CUSTOMS, but we seek to redress your
' Oppression, which of divers ye do sustain. In the Realm of *England*, di-
' vers Laws and Customs be according to the antient usage thereof, and
' likewise *France*, *Normandy* and *Gascoigne* have sundry kind of Orders.
' Have all the Realms and Dominions that the Emperor now hath, one
' Custom and one Sort of Laws? These vain Fears and Fantasies of Ex-
' pulsion of your Nation, of changing of the Laws, of making a Con-
' quest, be driven into your Heads, by those, who indeed had rather you
' were all conquered, spoiled and slain, than they would lose any Point
' of their Will, of their Desire of Rule, and of their Estimation, which
' they know in Quietness would be seen what it were, as it were in a
' Calm Water——If we two being made one by Amity, be most able to
' defend us against all Nations; and having the Sea for the Wall, mutual
' Love for Garison, and GOD for Defence, should make so Noble and
' well agreeing Monarchy, that neither in Peace we may be ashamed, nor
' in War afraid of any Worldly or Foreign Power: Why should not you
' be as desirous of the same, and have as much Cause to rejoyce at it as
' we?—— And for a more sure Proof and plainer Token of the good
' Mind and Will which we bear unto you, that which never yet was
' granted to *Scotland* in any League, Truce or Peace betwixt *England*
' and *Scotland*; because ye shall have Proof of the beginning of Love
' and Amity of both the Realms, the King's Highness considering the mul-
' titude of them which are come to His Majesty's Devotion, and of them
' that be Well-willers and Aiders of this Godly Enterprize, hath by our
' Advice and Counsel granted, and by these presents doth grant, that
' from hence-forth all manner of Merchants and other *Scotsmen*, who will
' enter their Names with one of the Wardens of the Marches, and there
' profess to take part with us, in this before named godly purpose, may
' lawfully, and without any Trouble and Vexation, enter into any Port,
' Creek or Haven of *England*, and there use their Traffick of Merchandize,
' buy and sell, bring in the Commodities of *Scotland*, and take and carry
' forth the Commodities of *England*, as liberally and as freely, and with
' the same and none other Customs therefore, than *Englishmen*, and the
' King's Subjects do at this present. *Holinsbed, History of England*, Vol.
' III. p. 998.

N^o 12.

THE Commissioners being met at *Westminster*, the chief Things debated on were, 1. Whether the two Kingdoms should be united under the Name of *Great-Britain*. And 2. Whether both Nations should be equally capable of Honours and Offices in either Kingdom. Some advanc'd against the First, That it was without all Example, that two Kingdoms equally supreme, should lay aside their former Names for a third new One: Nor could the Name of *Great-Britain* be so Honourable as the several Names and Pluralities of Kingdoms: Thus tho *Castile*, *Leon* and *Arragon*, be united under the Subjection of the King of *Spain*, and *France* and *Navarr* under the *French*; yet these Kings alwise in their Designations mention the several Kingdoms they command.

Others alledg'd this might prejudice the Precedency of the Kings of *England* among other Princes; as being but a new one. But for all that, we find in History, that this is no new thing; and in particular *Livy* reports, That the *Trojans* and *Aborigines* did after the Union of their Nations assume the common Name of *Latines*: Thus the *Hungarians* derived their Name from the *Huni* & *Avari* (*Morden in his Geography mentions the Authors from whence we have it*) The *Catalonians* from the *Catti* & *Albani*: The Counties in *Germany* use that common Name: And that only is called *Feudum novum* which is acquired by Money, Donation or Conquest, and that *Feudum antiquum* which descends by Blood and Succession.

When the 2^d question came under debate, some of the Commissioners agreed, it was unreasonable the *Scots* should be admitted to, and made capable of all the Employments in *England*. To this it was answered, That to refuse it would continue the ancient Grudge and Enmity, for the *Romans* were never engaged in a sharper War, than in the *Bellum sociale*, which the *Lazines* raised against them, because they would not admit them to be *Consuls* after they were united, (*vide Livy, Plutarch, Florus, &c.*) After which the *Romans* did by their own Law Declare, That *inter Concives* & *Municipes*, *omnia munera debent esse communicata*. *Municipes enim sunt qui pariter munera publica suscipiunt*. And *Polybius* in *Lib. 2.* speaking of the Method whereby the *Achaans* establish'd their happy Union, (*read also Plutarch*) observes it to have been by this means.

This Privilege has been allowed the *Scots* in *France*, for the Earl of *Buchan* was made *Constable* by *Ch.* the 7th, because he defeated the Duke of *Charence*: *Douglafs* was made Duke of *Turaine*; *Aubigny* Vice Roy of *Naples*. Count *Lesly* was preferred lately to be an Earl of the *Empire*, and still in the *Emperial* Dyets. In *England* *William* of *Malmsbury* confesses three *Scots-Men* were successively created Arch-Bishops of *Tork*, and the Earl of *Forth* was in the late Wars the successful General of the *Englisb* Army.

King *James* thought this Debate encroach'd upon his Prerogative, and therefore desired it might go no further; That tho by his Prerogative he might imploy Natives of either Kingdom as he pleased, yet he would prefer the Subjects of the respective Kingdoms in their native Countries, till mutual Education and a lasting Union had fitted them to be indifferently employ'd, upon which Assurance all the Commissioners rested, and so they proceeded to put these Conclusions in Form, and the Articles agreed upon were these.

It is agreed by the Commissioners of *E.* and *S.* to be mutually proposed to the Parliaments of both Realms at the next Session, that all
Hostile

Hostile Laws made and conceived expressly, either by *E.* against *S.* or *S.* against *E.* shall in the next Sessions be abrogated, and utterly extinguished.

It is also agreed, That all Laws, Customs and Treaties of the Border betwixt *England* and *Scotland* shall be declared by a general Act to be abrogated and obliterated: And that the Subjects on either Part shall be governed by the Laws and Statutes of the Kingdoms where they dwell, and the Name of the *Borders* extinguished.

And because by abolishing the Border-Laws and Customs, it may be doubted, that the Executions shall cease upon these Sentences that have heretofore been given by the opposite Officers of those Borders, upon Wrongs committed before the Death of the late Queen of happy Memory; It is therefore thought fit, That in case the Commissioners or Officers to be appointed by His Majesty before the time of the next Sessions of Parliament, shall not procure sufficient Redress of such fyled Bills & Sentences, that then the said Parliament may be moved to take such Order, as to their Wisdoms shall seem convenient in satisfaction of that which has been decerned by some Officers. As also, how Disorders and Insolencies may be hereafter repressed, and the Country which was lately of the Borders kept in Peace and Quietness in time to come; As likewise to prescribe some Orders how the Pursuits of former Wrongs preceeding the Death of the late Queen, and since the last Treaty of the Borders in the years 1596, and 1597, which have never as yet been moved, may be continued, and prosecuted to a definitive Sentence.

And forasmuch as the next Degree to the Abolition of all Memory of Hostility, is the Participation of mutual Commodities and Commerce; It is agreed First, concerning Importation of Merchandize into either Realm from Foreign Parts; That whereas certain Commodities are wholly prohibited by the several Laws of both Realms to be brought into either of them by the Natives themselves, or by any other, the said Prohibitions shall now be made mutual to both, and neither an *English-man* bring into *Scotland*, or a *Scots-man* into *England* any of these prohibited Wares and Commodities: Nevertheless if the said Commodities be made in *Scotland*, it shall be lawful to bring them out of *Scotland* to *England*, and so reciprocally of the Commodities made in *England* and carried to *Scotland*.

Whereas a doubt hath been conceived against the equal Communication of Trade betwixt the *English* & *Scots* Subjects in the matter of Importation, grounded upon some Inequality of Privileges, which the *Scots* are reported to have in Foreign Parts, and namely in *France*, above the *English*, whereby the *English* might be prejudged: And that after a deliberate Consideration had of the supposed Inequalities, both private and publick Examination of divers Merchants of either side, touching all Liberties, Privileges, Immunities, Imposts and Payments on the part of the *English*, and on the part of the *Scots*, either at *Bordeaux* for their Trade of Wines, or in *Normandy* or any other parts of *France* for other Commodities, it appeared that in the Trade of *Bordeaux*, there was & is so little difference in any advantage of Privileges or Immunities, or in the Imposts and Payments, all being reckoned and well weighed on either side, as it could not justly hinder the Communication of Trade. In the Trade of *Normandy* likewise, or any other Parts of *France*, the advantage the *Scots* Subjects by their Privileges are acknowledged to have, is such as without much Difficulty may be reconciled and reduced to an Equality with the *English*, by such means as are hereafter declared. It is agreed that the *Scots-men* shall be

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free for transporting of Wine from *Bourdeaux* to *England*, paying the same Customs & Duties that the *English-men* do pay, & the *English-men* likewise shall be free for transporting Wine & other Commodities from *Bourdeaux* to *Scotland* paying the same customs & duties that the *Scots-men* do pay there.

And likewise for clearing and resolving the Doubts touching the Advantage that these *Scots* are supposed to have above the *English* in Buying and transporting the Commodities of *Normandy* and other parts of the Kingdom of *France*, excepting the buying of Wine in *Bourdeaux*, which is already determined. It is agreed, that there shall be sent some meet and discreet Persons into *France*, two for either side, to take notice of any such Advantage, as either the *English* have above the *Scots*, or the *Scots* above the *English*, in Buying or Transporting of any Commodities of *Normandy*, or any parts of *France*, excepting the Wine of *Bourdeaux*: And as the said Persons shall find the advantage to be, so for making the Trade equal, the Customs shall be advanced to the King in *England* and *Scotland*; And for the part of these that have the advantage, and according to the Proportion of the said Advantage, the Advancement of the Custom to continue no longer, than the Privilege having such advantage shall continue. And that generally for all other Trade from any Parts the *English* and *Scots* Subjects, each in others Countrey, shall have Liberty of Importation as freely as any of the Native Subjects themselves having special Privilege.

Next, Concerning Exportation, It is agreed, That all such Goods as are prohibited and forbidden to *English-men* themselves to be exported out of *England* to any Foreign Part, the same shall be unlawful for any *Scots-man*, or any other to export to any Foreign Nation beyond Sea, under the same Penalties and Forfeitures that the *English* are subject unto, and reciprocally that furth of *Scotland* no *English* Man shall transport to any Foreign Parts the Goods and Commodities that are prohibited in *Scotland* to *Scots* Men themselves. Nevertheless such Goods and Commodities and Merchandizes as are licensed to *English* Men to transport out of *England* to any Foreign Part, the same may be likewise transported by *Scots* Men thither, they certifying their going into Foreign Parts, and taking a Cocquet accordingly, and paying the ordinary Custom that *English* Men do pay themselves at the Exportation of such Wares, the like Liberty to be for *English* Men in *Scotland*.

As for the Native Commodities which either of the Countries do yield, and may serve for the use and benefit of the other; It is agreed, That mutually there may be transported furth of E. to S. and furth of S. to E. all such Wares as are either of the Growth or Handywork of either of the said Realms, without payment of any Impost, Custom or Exaction; and as freely in all respects as any Wares may be transported either in *England* from part to part, or in *Scotland* from Part to Part, except such particular Sorts of Goods and Merchandizes as are hereafter mentioned, being restrain'd for the proper and inward use of each Countrey. And for that purpose it is declared, That both in this Communication of Benefit, and Participation of the native Commodities of the one Countrey with the other, there shall be specially reserv'd and excepted the sorts hereafter specified; That is to say, Wooll, Sheep, Sheepfell, Cattel, Leather, Hides, and Linen-yarn, which are specially restrain'd within each Countrey, not to be transported from one to the other; excepting also and reserving to the *Scots* Men their Trade of Fishing within the Lochs, Firths and Bayes, within Land, and in the Seas within 14 Miles of the Coasts of the Realm of *Scotland*, where neither *English-men* nor any Strangers have us'd

us'd to Fish; and so reciprocally on the behalf of *England*. All which Restrictions and Exceptions are not to be understood or mentioned in any sort for a Mark or Note of Separation and Division, but only as matters of Policy and Conveniency for the several Estates of each Countrey.

Furthermore it is agreed, That all foreign Wares to be transported forth of *Scotland* into *England*, or out of *England* into *Scotland*, by any of the King's Subjects of either Kingdoms, having at their first Entry once paid Custom in either of the Kingdoms, shall not pay outward Customs therein afterwards, save only inward Custom at the Port whereunto they shall be transported: But the Owner of the Goods, or Factor, or Master of the Ship shall give Bond not to transport the same into any foreign Parts.

It is also agreed, That *Scots*-men shall not be debarred from being Associates unto any *English* Company of Merchants, as Merchant-Venturers or others upon such Conditions as any *English*-man may be admitted; and so reciprocally for *English* men in *Scotland*.

It is nevertheless agreed by mutual Consent, and is so to be understood, that the mutual Liberty aforesaid of Exportation and Trade in each part from the one to the other, shall serve for the inward use only of either Realm; and Order taken for the restraining and prohibiting the Transportation of the said Commodities to foreign Parts, and for due Punishment of those that shall transgress in that behalf. And for the Better Assurance and Caution herein, It is agreed that every Merchant so offending shall forfeit his Goods, the Ships wherein the said Goods shall be transported, confiscated; the Customers, Searchers, and other Officers of the Custom whatsoever, in case of Consent or knowledge on their part, to lose their Offices and Goods, and their Bodies to be imprisoned at His Majesty's pleasure. Of which Escheats and Forfeitures two Parts shall appertain to His Majesty, if the Customs be unfarm'd, and the Third to the Informer: And if the Customs be farm'd, one Third of the Forfeiture to belong to His Majesty, a Third to the Farmer, and the other Third to the Informer. The Tryal of the Offence to be summar in either Countrey in the Exchequer Chamber; by Writ, sufficient Witnesses, or Oath of Party, or before the Justice by Jury or Assize, and his Majesty's Officers in either Countrey to concur with the Complainers that insist in the Pursuit.

As also for the more Security that there shall be no Transportation of such Goods, it is agreed that at the shipping of all such native Commodities there be taken by the Customer of the Port where the Goods or Wares are embark'd a Bond or Obligation subscribed by the Owner of the Goods, and Master of the Ship; By the Owner if he be present, or by the Master of the Ship, or Factor, or Party that loadeth the same in case of his absence: Which Bond shall contain a Sum of Money answerable to the Value of the Goods, with condition of relieving the Party obliged, and discharging him of the said Bond in case Return be made of a due Certificate to the Custom where the Goods were laden, from any Port within *England* or *Scotland*, and the Certificate to be subscribed and sealed by the Officers of the Customs of the Port where the said Goods shall arrive to be unladen: Or if there be no such Officers there, by the chief Magistrate and Town Clerk of that Harbour and Town under their Hand and Seal. And it is further agreed touching the different Freight of Commodities either in *English* or *Scots* Bottoms, that *English*-men and *Scots*-men freight and laden their Goods each in others Ships & Bottoms indifferently, paying only *English* and *Scots* Custom, notwithstanding any contrary Laws or Prohibitions. And that a Proposition be made to the Parliament of *England* for establishing some good Orders, for upholding and maintaining the great Fishing of *England*; as also that a Proposition be

made to the Parliament of Scotland for making of their shipping more proportionable in Burthen to the shipping of England, the better to serve for the Equality of Trade, and a common Defence for the whole Isle.

And because it's Requisite that the mutual Communication aforesaid, be not only extended to the Matter of Commerce, but to all other Benefites and Privileges of natural born Subjects; It is agreed that an Act be proposed to be passed in Manner following: That all the Subjects of both Realms born since the Decease of the late Queen, and that shall be born hereafter under the Obedience of His Majesty or His Royal Progeny, are by the common Laws of both Realms, and shall be for ever enabled to obtain, succeed, inherit and possess all Goods, Lands and Chattels, Honours, Dignities, Offices, Liberties & Privileges & Benefices Ecclesiastick or Civil, in Parliament and all other places of the Kingdoms, and every one of the same, in all respects, and without any Exception whatsoever, as fully and amply as the Subjects of either Realm, respectively might have done, or may do in any sort within the Kingdom where they are born.

Further, his Majesty out of his great Judgment and Providence, hath not only professed in publick and private Speech to the Nobility and Council of both Kingdoms, but hath also vouchsafed to be contented that for a more full Satisfaction and Comfort of all his loving Subjects, it may be compris'd in the said Act, that his Majesty meaneth not to confer any Office of the Crown, any Office of Judicature, Place, Voice or Office in Parliament of either Kingdom, upon the Subjects of the other, born before the death of the late Queen, until Time and Conversation have encreas'd and accomplish'd an Union of the said Kingdoms, as well in the Hearts of all the People, and in the Conformity of Laws and Policies in these Kingdoms, as in the Knowledge and Sufficiency of particular men, who being untimely imployed in such Authorities, could no way be able, much less acceptable, to discharge such Duties belonging to them. It is therefore resolved by us the Commissioners aforesaid, not only in regard of our Desires and Endeavours to further a speedy Conclusion of this happy Work intended, but also as a Testimony of our Love and Thankfulness for his gracious Promise, on whose Sincerity and Benignity we build our full Assurance, even according to the inward sense and feeling of our own Loyal and Hearty Affections, to obey and please him in all things worthy the Subjects of so worthy a Sovereign, that it shall be desired of both the Parliaments, to be enacted by their Authority, That all the Subjects of both Realms, born before the Decease of the late Queen, may be enabled and made capable to acquire, purchase, inherit, succeed, use & dispose of all Lands, Goods, Inheritances, Offices, Honours, Dignities, Liberties, Privileges, Immunities, Benefices and Preferments whatsoever, Each Subject in either Kingdom with the same freedom and as lawfully and peaceably as the very natural and born Subjects of either Realm, where the said Rights, Estates or Profits are Established; Notwithstanding whatsoever Law, Statute, or former Constitution heretofore in Force to the contrary; Other than to acquire, possess, succeed or inherit any Office of the Crown, office of Judicatory, or any Voice, place or Office in Parliament. All which shall remain free from being claim'd, held or enjoy'd by the Subjects of the one Kingdom within the other, born before the decease of the late Queen, notwithstanding any Words, Sense or Interpretation of the Act, or any Circumstance thereupon depending, untill there be a perfect & full Accomplishment of the Union, as is desired mutually by both the Realms. In all which points of Reservation, either in Recital of the words, His Majesties sacred Promise, or in any Clause or Sentence, before specified, from enabling them

them to any of the foresaid Places or Dignities. It hath been & ever shall be so far from the thoughts of any of us, to presume to alter or impair His Majesty's Prerogative Royal (who contrariwise do with all comfort & confidence depend herein, upon the gracious Assurance which his Majesty is pleas'd to give in the Declaration of his so just and Princely Care and Favour to all his People,) as for a further laying open of our clear & dutiful Intentions towards His Majesty in this & in all things else which may concern his Prerogative: We do also herein profess & declare, that We think it fit, there be inserted in the Act to be proponed and passed in expresse terms, a sufficient Reservation of his Majesty's Prerogative Royal, to denize, enable, and prefer to such Offices, Honours, Dignities, and Benefices whatsoever in both the said Kingdoms, and either of them, as are heretofore excepted in the preceeding Reservation of all *English* and *Scots* Subjects born before the Decease of the late Queen, as freely, soveraignly and absolutely as any of His Majesty's Royal Progenitors Kings of *England* or *Scotland*, might have done at any time heretofore, and to all other Intents and Purposes, in as ample manner as if no such Act had been thought of or mentioned.

And forasmuch as the several Jurisdictions and Administrations of either Realm may be abused by Malefactors, by their own Impunity, if they shall commit any Offence in the one Realm, and afterwards remove their Persons and Abode into the other; It is agreed, that there may be some fit Course advised of by the Wisdoms of the Parliaments, for Tryal and proceeding against the Persons of Offenders remaining in the one Realm, for and concerning the Crimes and Faults committed in the other Realm. And yet nevertheless that it may be lawful for the Justice of the Realm, where the Offence is committed, to remand the Offender remaining in the other Realm, to be answerable to the Justice of the same Realm where the Fact was committed, & that upon such Remand made, the Offender shall be accordingly delivered, and all further Proceedings (if any be) in the other Realm shall cease, so as it may be done without prejudice to His Majesty, or other Lords in their Escheats and Forfeitures, with provision nevertheless that this be not thought necessary to be made for all Criminal Offences, but in special Cases only, as namely in the Cases of wilful Murther, falsifying of Moneys, and forging of Deeds, Instruments and Writings, and such other like Cases, as upon further Advice in the said Parliament may be thought fit to be added.

Nº 13.

A Paper given in by the Scots Commissioners to the English Commissioners for adjusting the differences of Trade between the two Kingdoms, Jan. 21. 1667.

WE the Commissioners of and for the Kingdom of *Scotland*, Nominated, and sufficiently Authorized by His Majesty, under His
E e great

great Seal of that Kingdom; to Treat and Consult, as also to Conclude and Determine with your Lordships the Commissioners nominated by His Majesty for the Kingdom of *England*, of and concerning the Freedom and Liberty of Trade, between the two Kingdoms of *England* and *Scotland*, do represent, That whereas his Majesty's Subjects of *Scotland* be under the Allegiance of the King since the happy Succession of K. *James* to the Crown of *England*, are so far from being *Aliens*, that they are declared to have by the Law of this Kingdom all the Privileges of natural born Subjects of *England*. And whereas His Majesties Subjects in *Scotland* have enjoyed the same in all the Dominions and Plantations belonging to the Kingdom of *England*, more than 56 years without any considerable Obstruction all that time, yet since the 25 of *March* in the 12 year of His Majesties Reign, by some Acts of Parliament here in *England*, the King's Subjects of *Scotland* are clearly debarred from the Privilege granted to all His Majesties other Subjects; Seing by these Acts several Immunities and Privileges granted to such Ships, as do truly and without Fraud belong only to the People of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, and all other Ships and Vessels (without any Exception) with all their Goods and Merchandizes are declared to be forefaulted. Also by other Acts of Parliament since that time, Goods and Commodities of *Scotland* are at some times charged with a double Duty or Imposition above 16 times more than the Goods of the like Nature of Foreign Growth, & some unusual Customs are exacted in *Northumberland* & *Cumberland*.

In Order to the removing of all Obstructions, to the Freedom & Liberty of Trade between the two Kingdoms, to the end the People of *Scotland* may be encouraged to trade here as formerly, and to export from the Kingdom such foreign and other Commodities as are necessary for them, (which we conceive to be a great advantage to this Kingdom, the exported Commodities far exceeding these imported hither) for encouraging the Shipping and Seamen of *Scotland*, without which Trade cannot be continued, and for preventing the Removal of the Trade of *Scotland* into foreign Parts, which would be very prejudicial to His Majesties Customs in this Kingdom (as we conceive) and to the happy Union and Correspondence of the two Kingdoms, which we do above all things endeavour to preserve.

We do begin with that which was 1st in time, and indeed of the greatest Importance to *Scotland*, an Act Intituled (*An Act for the incouraging and increasing Shipping and Navigation*) passed in the 12 year of His Majesty's Reign, and Ratified, Confirmed and Enacted in the 13 year. Cap. 140. In relation to which Act, we desire 1st. That as to the Trade with the Lands, Islands, Plantations and Territories to His Majesty belonging, or in his Possession, or which may thereafter belong unto, or be in the Possession of His Majesty, His Heirs or Successors, in *Asia*, *Africa* or *America*, the same Freedom may be allowed to such Ships and Vessels as do truly and without Fraud belong to the People of *Scotland*, whereof the Master & three 4th Parts are *Scotsmen*, or other His Majesties Subjects, and freighted only by His Majesties Subjects; as are allowed to His Majesties Subjects of *Ireland*, Dominion of *Wales* and *Berwick* upon *Tweed*.

2. That it be Declared, That His Majesties Subjects of *Scotland* are not meant to be debarred by the Clause debarring Men or Persons, not born within the Allegiance of our Sovereign Lord the King, from exercising the Trade or Occupation of Merchants or Factors in any of the said Places.

3. That

3. That the Ships or Vessels belonging truly to His Majesties Subjects of *Scotland*, navigated as is before expressed, and freighted only by His Majesties Subjects, may be declared to have Liberty to bring into *England* the Goods and Commodities that are of Foreign Growth, Production, or Manufactory, under the same Restrictions and Limitations as are expressed ever since King *James* came to *England*, is of absolute necessity for entertaining the Shipping of *Scotland*, and keeping the famen there for His Majesties Service, and will be an encrease of His Majesties Customs.

4. That all other Privileges granted by this Act to the Ships and Vessels belonging truly to the Subjects of *Ireland*, *Wales*, and Town of *Berwick* upon *Tweed*, may be also declared to belong to the Ships or Vessels truly belonging to the Subjects of *Scotland*, and Navigated & Freight as is aforesaid, under the same Restrictions and Limitations alwise as by this Act laid upon the Subjects of *Ireland*, &c. That it may be declared that the Penalties imposed upon *Aliens* for transporting of Goods from Ports to Ports, and all other Penalties imposed upon *Aliens* by this Act, that the Subjects of *Scotland* are no ways therein concerned.

5. That whereas almost all the Ships and Vessels belonging to His Majesties Subjects of *Scotland*, were during the late Usurpation taken, burnt or Destroyed, and many of the Vessels taken or bought since His Majesties happy Return, are foreign built; we desire that all Vessels taken from the Kings Enemies, and condemned as lawful Prize, may be Declared Naturalized, as is lately done here, and that they and all such Ships as are truly in the Possession of His Majesties Subjects of *Scotland*, may be declared capable of free Trade here, as if they had been built within His Majesties Dominions; a List of such Ships being entred betwixt and a day to be agreed upon into the Custom-house Books here, Provided that it shall not be lawful for *Scots-men* to trade here with any foreign built Ships to be bought hereafter, but only with such Ships as are built in *Scotland*, or some other of His Majesties Dominions, and that both the Prize-Ships and other Ships now in the possession of the Subjects of *Scotland*, be navigated by 3 Parts of 4 of *Scots-men*, or others His Majesties Subjects, and freighted only by His Majesties Subjects.

6. And whereas it may be supposed, that by demanding such a Trade with the Plantations, as is allowed to the Subjects of *Ireland*, we may prejudice His Majesties Customs here, or destroy the Ends of the Act of Navigation as to these Commodities; We Declare that we are willing to Treat and Conclude with your Lordships upon such Assurances as can be reasonably demanded, that none of these Commodities shall be transported by *Scots* Ships from the *English* Plantations to any place beyond the Seas, but they shall be wholly brought into such Parts of *England* as shall be agreed upon, excepting only such a very small Number, for the Consumption of *Scotland*, as shall be agreed upon betwixt your Lordships and us.

N^o 14.

JOURNAL

OF

The Meeting held in the Council-Chamber in the *Cock-Pit* in *Westminster*,

BY

The *Scotish* and *English* Commissioners Nominated by the QUEEN, to Treat of an UNION betwixt the Nations of *SCOTLAND* and *ENGLAND*;

Conform to the Acts of the respective Parliaments, *Impowering Her Majesty to Name Commissioners to Treat.*

Die Martis 27th October 1702.

THIS being the Day appointed for the Meeting of the Commissioners, there were only 12 of the *Scots* then arriv'd who stoped as late as could be in the Hopes of the Arrival of the 13th to have made a *Quorum*: But seeing no Appearance of it, They went about 7 a Clock at Night to the Place appointed for their Meeting, where the *English* Commissioners were convened, and very full: And after the first Civilities were past, There was a Letter from Her Majesty to the *Scots* Commissioners Adjourning the Meeting to the 10th of November, and the same Orders being sent to the *English* Commissioners; They imparted them the one to the other, and so separated.

Di

Die Martis 10th November 1702.

ABout 7 in the Evening the Commissioners of both Kingdoms meet at the Place appointed for their Meeting, the *English* Commissioners being first there: After they had stood a while, they took their Places at a long Table, the *English* on the Right side, and the Arch-Bishop of *Canterbury* as first in their Commission upmost. And the *Scots* on the left Side, and the Duke of *Queensberry* first in the Commission upmost. When they were set, the Lord Keeper moved, That their respective Commissions should be read, by which they would best know the Reasons of their Meeting, which was done, the *English* first in the *English* Tongue, and the *Scots* in the *Latine*: when that was over, the Lord Keeper made the following Speech, which was answered by the Duke of *Queensberry*:

My Lords,

WE, the Commissioners, for *England*, do, with great Satisfaction meet your Lordships on this Occasion, hoping that by this Congress the great Business for which Her Majesty has been pleased to grant these Commissions, may be happily effected. That *England* and *Scotland* already united in Allegiance under one Head, the Queen, may for ever hereafter become one People, one in Heart and mutual Affections, one in Interest, one in Name, or in Deed, a Work which if it can be brought to pass, promiseth a lasting Happiness to us all.

With great Sincerity we desire this Union, and we meet your Lordships with Hearts fully determined to enter upon such Considerations, and into such Measures with your Lordships, as are proper for bringing the same to the desired Conclusion; on our part, nothing shall be wanting that may conduce to a happy Period of this great Work.

The Duke of Queensberrie's Answer.

My Lord,

THE Union of the two Kingdoms has been much desired both before and since their being under one Sovereign, and I hope, it is reserved to Her Majesty for the Glory of Her Reign, to finish the design which hath been often attempted by Her Royal Predecessors.

My Lord, I do consider this Union to be highly advantageous for the Peace and Wealth of both Kingdoms, and a great Security for the Protestant Religion every-where; And, I can assure your Lordships both for my self, and the other Lords Commissioners for *Scotland*, that we meet your Lordships with great Regard and Honour to your Persons, and with sincere Intentions to advance this great Design, & to accommodate any Difficulties that may arise in the Treaty upon fair and reasonable Terms.

Then the Lord Keeper moved, That some Words of the *Scots* Commission should be read over again, which was done, the Words they noticed were, *Dando illis plenam potestatem congregandi & conveniendi cum Commissionariis auctoritate nostra munitis pro Regno & Parlamento Angliæ,*
F f *&c;*

Ec. After reading, he said, he did not conceive how they were such as the Scots were impowered to Treat with, not being *Commissionarii pro Parlamento Anglia*; Before any Answer was made, the Earl of Seafeld moved, That the Commissions should be interchanged against the next Meeting, and that then they would be better able to judge of the Purport and Intent of the Commissions, which was agreed to, and the next Meeting appointed on *Monday* thereafter.

Die Lunæ the 16th of Novemb. 1702.

THE Commissioners met, but there being only a scrimp *Quorum* of the *Englsh*, and two or three of them adhering to the last Objection, They desired without proceeding to any Business, the Meeting might be Adjourned till *Wednesday*, in hopes it might be more full; To which the Scots agreed.

Die Mercurii 18. November 1702.

THE Commissioners met, and the *Englsh* insisting no more on the Keepers Objection, they received a Message from the Queen, in two different Papers, but of the same Tenor, which was read as followeth.

A. R.

HER Majesty having in Prosecution of the several Attempts made by Her Royal Predecessors, moved both the Parliaments to consider of the most effectual Methods for establishing an Union between the two Kingdoms; And Her Majesty being authorized by both Parliaments to Appoint Commissioners to Treat of the Terms of this Union, which She hath done accordingly, Her Majesty hopeth that the Commissioners now happily met for this purpose, will agree upon such Measures as will be acceptable to both Parliaments; and may perfect an indissoluble Union between the two Nations, which Her Majesty thinks the most likely Means under Heaven to establish the Monarchy, secure the Peace, and encrease the Trade, Wealth and Happiness of both Nations.

"The Heads of this Treaty are so obvious, that Her Majesty does not think it necessary to Name them, but Her Majesty recommends it to the Commissioners, to make such Proposals mutually on this Subject, as shall occur to them, and may be most likely to bring this Treaty to a happy and speedy Conclusion.

"And Her Majesty earnestly wishes for Her own Honour, and the Welfare of Her Subjects, That this Union may be established on such solid Foundations, as that the Breach of it may be as impossible as humane Councils can make it. Given at the Court of St. James's the 16th November 1702.

To the Commissioners appointed for Treating of an Union between the two Kingdoms.

After

After reading of this Letter, the Lord Keeper proposed the following Overtures, as the Rule of the Method of their proceeding, which were agreed to, and are as follow.

1. That all Proposals, mutually to be made, shall be offered in Writing.
2. That no Proposals so made shall be debated the same day.
3. That all Debates shall be by word of Mouth, and not in Writing.
4. That every Point that shall be agreed on shall be reduced in Writing.
5. That no Point though agreed on and reduced into Writing, shall be obligatory on either side, till all Matters be adjusted in such manner as shall be proper to be laid before the Queen & the two Parliaments.

And then they Adjourned till Friday.

Die Veneris 20 November 1702.

THE Commissioners met, and the Scots gave in two Additional Preliminary Articles, One of them Explanatory of the 5th of these given in by the Lord Keeper; The other about the Minutes, which were both agreed on by the English, and are as follows.

6. That these Matters tho so adjusted as may be proper to be laid before the Queen and the two Parliaments, shall not be binding till Approv'd and Ratified in the said Parliaments.
7. That there be a Committee appointed, consisting of a certain Number of each Side, to revise the Minutes of what passes, which are not to be inserted by the Secretaries in their respective Books, but by the Order of the said Committee.

Then the Lord Keeper gave in thir Proposals about the Subject of the Treaty, viz.

That the two Kingdoms be united into one, by the Name of the Kingdom of Great-Britain, &c.

That the Succession to the Monarchy of this united Kingdom of Great-Britain, shall be according to the Limitations mentioned in the Act of Parliament made in England in the 12th and 13th Year of the Reign of the late K. William, Intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject.*

And the Duke of Queensberry gave in for the Scots these following.

1. The uniting of the two Kingdoms into one Monarchy.
2. The Representing both Kingdoms in one Parliament.
3. The mutual Communication of Trade, and all other Privileges and Advantages.

F f 2

These

These are the General Articles, in which it is proposed, That the two Kingdoms may be United; There will be certain other Articles and proper Reservations which may be offered afterwards.

These Proposals were read twice, and Ordered to be Exchanged, and to be considered against the next Meeting, which was appointed to be on *Wednesday* thereafter.

Die Mercurii 25. Novemb. 1702.

THE Commissioners met, the Lord Keeper moved, That the 6th Preliminary Article which had been proposed and agreed on at the preceeding Meeting might be considered, upon which the Lords Commissioners for Scotland withdrew, and within a little returning, the Duke of *Queensberry* acquainted the Lords Commissioners for *England*, That they were satisfied the 6th Article should be laid aside, providing something might be found out to satisfy their Difficulty as to the 5th Article.

Agreed, That the 6th Article be laid aside, and that there be added to the 5th these Words, *For their Approbation.*

Agreed, That to the 7th Article about the *Committees*, these words be added, *Having first made Report thereof to their respective Commissioners, and received their Approbation of the same.*

Then were nominate the Commissioners for the Committee.

Of the *Scots* Commissioners, Viscount of *Stair*, Lord President of the Session, and the Lord Treasurer-deput, or any two of them. And of the *English*, Sir *John Cook*, Mr. *Godolphin*, and Mr. *Clark*, or any two of them.

The Duke of *Queensberry* acquainted the *English* Commissioners, That they had prepared an Answer to the Proposal given in by their Lordships at their preceeding Meeting, The Tenor whereof follows.

The Commissioners for the Kingdom of *Scotland* do agree, That the Kingdoms be united into One by the Name of the Kingdom of *Great-Britain*, and that the Succession to the Monarchy of this United Kingdom of *Great-Britain*, in Default of the Issue of the Body of Her Majesty Q. *ANNE* (which GOD forbid) shall descend on Princess *Sophia* Electress Dowager of *Hannover*, and remain to Her and the Heirs of Her Body being Protestants (excluding all Papists) for ever, conform to the Act of Parliament made in *England* in the 12th and 13th Year of the Reign of the late King *William*, Intituled, *An Act for the further Limitation of the Crown, and the better securing the Rights and Liberties of the Subjects*, Reserving the other Conditions and Provisions contained in the above-mentioned Act, to be considered in the further progress of the Treaty, in order to be adapted to the Constitutions and Laws of both Kingdoms.

Then the Lord Keeper acquainted the *Scots* Commissioners, That they had prepared an Answer to two of the Articles proposed by their Lordships

ships, having the Third under Consideration, which was read as follows.

The Lords Commissioners for *England*, have taken into their Consideration two of the three Articles offered by your Lordships on the part of *Scotland*, viz. 1. The Uniting the two Kingdoms into one Monarchy. 2. The Representing both Kingdoms in one Parliament, and are come to the following Resolution. *That there can be no doubt of their Lordships agreeing to the First Article, it being comprehended in what their Lordships have offered. That as to the 2d. Article their Lordships agree to the Proposition in general, reserving to their future Consideration such Proposals as shall be offered to make it practicable.*

My Lord Duke of *Queensberry* Moved, That since they had given their Lordships a full Answer to the Proposals offered by them at their preceding Meeting, and have only received their Lordships Answer to two of the Three Articles proposed by them, that nothing should be entred by the Secretaries in their Books till they have an answer to their Third Article, *about the Communication of Trade*, which was agreed to:

And then they adjourned to *Monday the 30th Novemb.* at 6 in the Evening 1702.

Die Luna 30th Novemb. 1702.

THE Commissioners met, the Lord Keeper of *England* acquainted the Lords Commissioners for *Scotland*, that they had prepared an Answer to the third Article offered by their Lordships about the Communication of Trade, and a Proposal relating to the same, both which were read as follows.

The Lords Commissioners for *England*, have taken into their Consideration the 3d Article proposed by your Lordships, viz. The mutual Communication of Trade and other Privileges and Advantages, and are come to this Resolution.

Their Lordships agree, That a mutual Communication of Trade and other Privileges and Advantages, is proper and reasonable in a compleat Union of the two Kingdoms.

Their Lordships propose, That your Lordships Answer to the Proposal from the Commissioners for *England*, which relates to the uniting the two Kingdoms in one, and settling the Succession, may together with their present Answer to the third Article be entred into the respective Books and Journals.

The Duke of *Queensberry* told their Lordships, That the Lords Commissioners for *Scotland* would take their Lordships Answer and Proposal into Consideration against next Meeting, and then adjourned till the next day.

Die Martis 1st. Decemb. 1702.

THE Lords Commissioners for Scotland met at the Time appointed, but there not being a *Quorum* of the *English*, they adjourned to Friday thereafter.

Die Veneris 4th December 1702.

THE Commissioners being met, the Duke of *Queensberry* said, That the Lords Commissioners for Scotland had some thing to offer to their Lordships, in reference to their Lordships Answer to the 3^d Article about Communication of Trade, which was read as follows.

The Lords Commissioners for Scotland having taken into Consideration your Lordships Answer to the 3^d Article of their Proposals, wherein your Lordships agree, That a mutual Communication of Trade and other Privileges and Advantages is proper and reasonable in a compleat Union of the two Kingdoms, their Lordships conceive that the uniting the two Kingdoms into a Monarchy, in one Parliament, and one Line of Succession, is such an Union as Entitle the Subjects of both Kingdoms to a mutual Communication of Trade, and other Privileges and Advantages, and if your Lordships do acquiesce and consent to the Communication of Trade in these Terms, the Lords Commissioners for Scotland do consent that the Answer and this Addition be entred in the respective Books and Journals.

The Lords Commissioners for England withdrew to consider this, and returning within a little, the Lord Keeper offered what follows, which was read.

Their Lordships conceive that the Union cannot be compleat till the Terms are adjusted, upon which it is to be constituted, and therefore tho they allow the Communication of Trade and other Privileges to be the necessary Result of a compleat Union: yet in the Method of proceeding they must first settle with your Lordships the Terms and Conditions of the Communication of Trade and other Privileges, and they are ready to enter upon the Consideration of them in such a Method as shall be agreed on, and most likely to bring this particular Matter to a speedy Determination.

They move, That their Answer to the Proposal from the Commissioners of England, which relates to the uniting the two Kingdoms into one, and settling the Succession, may be entred.

To this the Lords Commissioners for Scotland after having withdrawn for some time, and returned, made the following Answer, which was read, and agreed to by the *English* Commissioners.

The Lords Commissioners for Scotland are satisfied to treat the Particulars of the Communication of Trade, in order to adjust the same, and do agree that the Proposals and Answers mutually made on either side be entred in the respective Books and Journals in the terms of the Preliminaries.

Then

Then the Duke of *Queensberry* offered on the part of the Lords Commissioners for *Scotland* the following Proposals, which was read, and agreed to by the *English* without withdrawing.

The Lords Commissioners for *Scotland* propose to your Lordships; That for preparing and facilitating Matters which may occur in this Treaty, there may be a Committee consisting of 4 or 5 Persons of either Kingdom Nominate from time to time, to meet and discourse the Points that may properly fall in to be considered in this Treaty, and to report what hath past to the respective Commissioners, that in the General Meeting they may proceed with the greater Unanimity and Dispatch.

Resolved, That this Committee consist of Six of each Side, who were named as follows; Of the *Scots* Commissioners, M. of *Annandale*, D. of *Argyle*, E. of *Seafield*, V. of *Tarbat*, V. of *Stair*, Sir *Patrick Johnston*, or any three of them. Of the *English* Commissioners, Arch-Bishop of *Tork*, E. of *Carlisle*, E. of *Scarborough*, Lord Chief Justice *Treuer*, Sir *John Cook*, Mr. *Godolphin*, or any three of them.

Adjourned to the 9th Instant, Committees to meet on *Monday* the 7th instant at 10 in the Forenoon.

Die Mercurii 9th December 1702.

THE Duke of *Queensberry* on the part of the Lords Commissioners for *Scotland*, made the following Proposals.

1. That there be a free Trade betwixt the two Kingdoms without any Imposition or Distinction.

2. That both Kingdoms be under the same Regulation, and lyable to equal Impositions for Importation and Exportation, and that a Book of Rates be Adjusted for both.

3. That the Subjects of both Kingdoms and their Seamen, and shipping have equal Freedom of Trade and Commerce to and from the Plantations, and be under the same Regulations.

4. That the Acts of Navigation, and all other Laws in either Kingdom, in so far as contrary to, or inconsistent with any of the above-mentioned Proposals be rescinded.

5. That neither Kingdom be burdened with Debts contracted, or to be contracted by the other before the Union, and that the equality of Impositions in the 2d Proposal be understood with an Exception of Impositions laid on or appropriate by the Parliament of *England* for payment of their Debts, or if an Equality be thought necessary, that there be allowed to *Scotland* an Equivalent.

6. That the former Proposals are made without prejudice to the Companies or Manufactories of either Kingdom, which are reserved to further Consideration in the Progress of this Treaty.

The Lords Commissioners for *England* took these Proposals to Consideration.

Resolved, That the former Committee be revived, and that they have power to meet any time before the general Meeting, and discourse on the subject of the above Proposals, and report to the respective Commissioners.

Resolved, That two of each Side be added to the Committee, the *Quorum* continuing as before.

Nominate by the Lords Commissioners

For SCOTLAND.

Lord Boyle.
Lord President of the Session.

For ENGLAND.

E. of Burlington.
Samuel Clerk Esq.And then they Adjourned to *Monday* the 14 *December*.Die *Luna* 14 *December* 1702.

THE Lord Keeper acquainted the Lords Commissioners for *Scotland*, That having been taken up with publick Business since the last Meeting, they had not prepared Answers to the Proposals then offered by them, but that they should endeavour to have them ready against the next.

He also acquainted their Lordships, That Her Majesty designs to Honour this Meeting with Her Presence; And moved, That the Proposals made on either Side since the Commencement of the Treaty, and the Resolutions taken thereupon, should be read over to Her Majesty.

Within a little Her Majesty came in, and being set in Her Chamber, spoke to the Lords Commissioners to this Purpose.

My Lords,

"I Am fully perswaded, that the Union of the two Kingdoms will prove the Happiness of Both; and render this Island more formidable than it has been in past Ages; That I wish this Treaty may be brought to a good and speedy Conclusion, I am come to know what Progress you have made in it, and I do assure you nothing shall be wanting on my part to bring it to Perfection.

The Lord Keeper told Her Majesty, That what was then under Consideration, was, some Proposals offered on the part of their Lordships for *Scotland* about Trade, to which they had not yet prepared an Answer, but desired to know if Her Majesty would hear read the Proposals formerly given on either Side, and the Resolutions taken thereupon, which Her Majesty allowed.

After reading whereof, Her Majesty went away, and the Commissioners adjourned to the 16th Instant.

Die *Mercurii* 16th *Decemb.* 1702.

THE Commissioners met, and the Lord Keeper in name of the *English* Commissioners gave in the following Paper to the Lords Commissioners for *Scotland*, which was read, as follows.

Some Considerations of the Lords Commissioners for *England* upon the Pro-

Proposals delivered by the Lords Commissioners for *Scotland* on the 9th instant, to be proposed as the Subject Matter of Debate between the Lords Commissioners of both Kingdoms.

As to the First Article, Their Lordships are of Opinion that there be a free Trade between the two Kingdoms, for the Native Commodities of the Growth, Product or Manufactory of the respective Countries, with an Exception of Wooll, Sheep and Sheep Fells, and without any Distinction or Imposition other than equal Duties upon the home Consumption respectively: Their Lordships being of Opinion, that the Trade between the two Kingdoms cannot be upon an equal Foot, unless the said Duties and Impositions be the same in *Scotland* as in *England*.

And this Article respecting a Coast-Trade, it seems reasonable for their Lordships to insist, That the Master, Mariner and Goods should be under the same Securities, Penalties and Regulations, as are in that case provided by the Laws in *England*.

As to the 2d Article, it seems reasonable; But their Lordships offer, that it will be necessary therein to add a Provision, That not only the Impositions on Trade, but the Prohibitions be the same on both Sides, in respect as well of Importations as Exportations.

As to the 3d Article, Their Lordships say, That the Plantations are the Property of *English* Men, and that this Trade is of so great a Consequence, and so beneficial, as not to be communicated, as is proposed till all other Particulars which shall be thought necessary to this Union be adjusted; And as the Case now stands by Law, no *European* Goods can be carried to the *English* Plantations, but what have been first landed in *England*, except Salt, *Irish* and *Scots* Provisions, Servants and Horses, *Madera* Wine, and Wine of the *Azores*; nor can the Product of the Plantations be carried to other Parts of *Europe* till it be first landed in *England*. Their Lordships further offer, That in this Article, it will be necessary to make Provision, that the Subjects of *Scotland* shall be lyable to be pressed for the Sea, in the same manner as the *English* Subjects are in time of War for Her Majesty's Service.

As to the 4th Article, Their Lordships agree that an Act of Navigation must be granted in both Kingdoms adapted to the Terms of the Union.

As to the 5th Article, their Lordships say, That the Proposals therein contained seems to contradict what was granted by the 2d Article, in as much as there is no Duty subsisting on Trade (excepting only on some Funds for the Civil Government) but what is appropriated to the payment of the Debts of the Nation; That tho the said Debts have been contracted by a long War entred into; More particularly for the Preservation of *England*, and the Dominions thereto belonging; Yet that *Scotland* has tasted of the Benefites which have accrued to *Great-Britain* in general, from the Opposition that hath been made to the Growth and Power of *France*; That such Burdens will be abundantly recompensed to *Scotland* by a compleat Union: To which compleat Union as a free Communication of Trade is essential, so such a free Communication of Trade cannot be established with Equality, unless the same Duties both

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upon

upon Foreign Trade and Home Consumption be levied on both Kingdoms: But how the Sums of Money thereby arising within the said Realm shall be applyed, or what Equivalent is to be allowed in the Room thereof, may be settled when your Lordships are ready to offer what Proportion of the publick Burdens *Scotland* proposes to bear towards the future Support of the Government both in times of Peace and War.

As to the 6th Article, their Lordships say, That it requires to be further explained, before they can be ready to give any answer to it.

After giving in the above Proposals, in answer to the last Proposal made by *Scotland*, the *English* desired a Day for a Conference on both might be appointed, which was accordingly appointed on *Saturday* next.

Die Saturni 19th December 1702.

THE Commissioners on both Sides had a full Conference upon the Subject of the Communication of Trade in the foresaid Proposals and Answers, which was very amicable, and their Lordships for *England* agreed to all the Proposals made by their Lordships for *Scotland*, and a Committee was appointed to draw up the Resolutions taken thereupon, to be offered at their next Meeting on *Wednesday* the 23 instant.

Die Mercurii 23d December 1702,

THE Committee having met to draw up the Result of the Conference of the 19th Instant, to have been this day presented to the general Meeting; and there not being a *Quorum* of the *English*, they adjourned to the 29th instant.

Die Martis 29th December 1702.

A *Quorum* of the *Scots* Commissioners being met at the usual Place of Meeting, and there not being a *Quorum* of the *English*, they adjourned to the 30 instant.

These frequent Disappointments seeming to denote an Indifferency on the part of the *English*, the *Scots* began to signify their Impatience, so as severals of them threatned to return to *Scotland*.

Die Mercurii 30 December 1702.

THE Commissioners met, and at their taking their Places, the Lord Keeper said, their Lordships of *England* had taken Notice of the publishing of some of their Proceedings in the Flying-Post, which they thought not Convenient, and therefore had ordered their Secretary not to give out any Copies of their Proceedings, and desired their Lordships for *Scotland* would do the like, which was agreed to. And then

The Lord Keeper offered a Paper, containing the Result of the last Conference in the Proposals made by the Lords Commissioners for *Scotland* about Trade. And the Duke of *Queensberry* offered another, which were both read: The *English* in the following Terms.

Agreed by the Lords Commissioners of both Kingdoms in the terms of the Preliminaries, and to take effect when the Union shall be compleated.

1. That there be a free Trade between all the Subjects of the Island of *Great-Britain*, without any Distinction, in the same manner as is now practised from one part of *England* to another, and that the Masters, Mariners, and Goods be under the same Securities and Penalties in the Coasting-Trade.

2. That both Kingdoms be under the same Regulations and Prohibitions, and lyable to equal Impositions for Importation and Exportation, and upon the home Consumption, and that a Book of Rates be adjusted for both.

3. That the Subjects of both Kingdoms, and their Seamen and Shipping, have equal Freedom of Trade and Commerce to and from the Plantations, under such and the same Regulations and Restrictions as are and will be necessary for preserving the said Trade of *Great-Britain*, and that the Seamen of *Scotland* be equally lyable to the publick Service, as the Seamen of *England* now are.

4. That such Laws, Part or Parts of the Act of Navigation, or of any other Law now in force in either Kingdom, as shall be contrary to, or inconsistent with the Union, shall be on both sides repealed.

The Paper offered by the *Scots* differed only materially from this in that in the second Article, the Words (and upon the Home Consumpt) were left out, and so need not to be inserted.

After reading of which, the *Scots* Commissioners withdrew, and returning within a little, the Duke of *Queensberry* told their Lordships for *England*, that they had taken notice of some things in the Paper offered by their Lordships, which did not seem properly to fall under the Head of Trade, as the Duties on Home Consumpt; The *English* insisted that it did. So it was moved that there should be a Conference on this Matter *Saturday* next.

Die Saturni Januar. 2. 170²₃.

AT the Conference the following Articles were agreed on, and ordered to be insert in the Journals, the *English* having been satisfied that the Imposition on Home Consumpt should be reserved to a Conference at next Meeting, which was appointed to be upon *Monday* thereafter.

Agreed by the Lords Commissioners for both Kingdoms in the Terms of the Preliminaries, and to take place when the Union shall be compleated.

1. That there be a free Trade between all the Subjects of the Island of *Great-Britain* without any Distinction in the same manner as is now practised from one part of *England* to another, and that the Masters, Mariners, and Goods be under the same Securities and Penalties in the Coast-ing Trade.

2. That both Kingdoms be under the same Regulations and Prohibitions, and lyable to equal Impositions for Importation and Exportation, and that a Book of Rates be adjusted for both.

3. That the Subjects of both Kingdoms and their Seamen, and Shipping have equal Freedom of Trade and Commerce to and from the Plantations, under such and the same Regulations and Restrictions as are and will be necessary for preserving the said Trade of *Great-Britain*; And that the Seamen of *Scotland* be equally lyable to the publick Service, as the Seamen of *England* now are.

4. Such Laws, Part or Parts of the Act of Navigation, or of any other Law now in force in either Kingdom, as shall be contrary to, or inconsistent with the Terms of the Union, shall be on both sides repealed, and that an Act of Navigation be framed and adapted to the Terms of the Union.

Die Luna 4 Januar. 170²₃.

THE Lords Commissioners & from *Scotland* being met, there not being a *Quorum* of the *English*, they adjourned to the 8th Instant, and upon the like Disappointments on the part of the *English*, they further Adjourned three several times without doing any Business, the last of which was to the 12th instant.

Die Martis 12th Januar. 170²₃.

THE Commissioners of both Sides being met, they had a long Conference in relation to the Home Consumpt, in which the *English* seemed

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positive, that an Equality of Impositions throughout the united Kingdom is absolutely necessary; but seemed inclinable to condescend, That *Scotland* should be exempted from all Excises and Duties laid on for payment of Debts contracted by *England* before the Union, but that *Scotland* should be subject to such Duties as should be laid on for Exigences after the Union, and adjourned to the 18th instant.

Die *Luna* 18th. *Januar*. 170²₃.

THE Duke of *Queensberry* for the Lords Commissioners for *Scotland*, acquainted their Lordships of *England*, That they had drawn up some Articles, as the Result of their last Conference, in which they had yielded as much in the several Points therein-mentioned as possibly they could; Which Articles were read, and taken into Consideration by the Lords Commissioners for *England* against the next Meeting, which was appointed to be upon the 20 instant.

Follows the Articles offered by the Scots.

1. That neither Kingdom be burdened with Debts contracted or to be contracted by the other before the Union, And that no other or greater Excise or other Duties on Home Consumption, or Inland Taxes be raised or imposed within that part of the united Kingdom now called *Scotland*, than these now on Foot there, till the Debts of *England* contracted or to be contracted before the Union be fully satisfied and paid.

2. That after Payment of the *English* Debts as aforesaid, that part of *Britain* now called *Scotland*, shall be subject to the Survey of the Parliament of *Great-Britain*, and be lyable to such Excise, and other Home Duties as shall by the said Parliament be thought just and suitable to the Circumstances of that part of the united Kingdom for the time; Provided, that the Proportion of Inland Duties and Impositions of that part of the United Kingdom, shall not then or ever after be more than that of the Neighbouring Counties of the now Kingdom of *England*.

3. If any Goods or Merchandize of the Native Product of *Scotland*, not lyable to any Excise or Imposition there, shall be transported from *Scotland* to *England* by Sea or Land, the saids Goods and Merchandice when brought into *England* shall be lyable to the same Duties, and no other, which might have been raised or exacted if they had been of the Native Product of *England*.

4. As an Equivalent to *Scotland* for becoming subject to the same Regulations with *England* in Export and Import, and for the Encouragement of Fishing and Trade, and Manufactory in *Scotland*, That out of some effectual Branch of the Revenue arising from that part of *Britain* now called *Scotland*, There be 10000 *lib*. yearly after compleating the Union, appropriated towards carrying on the Fisherie, and improving the Manufactures and Native Product there, as shall be directed and ordered by Commissioners and Trustees to be named for that purpose,

5. That 48,000 *lib.* shall be reckoned as the just Proportion of *Scotland* in the 4 *lib.* Rate of Land-Tax, and so proportionally in all Land-Taxes in time coming.

Die *Veneris* 22. *Januar.* 170²₃.

There not being a *Quorum* of the *English*, and the *Scots* being met in their own Chamber in the *Cock-pit*; The Marquess of *Normandie* and Earls of *Pembroke* and *Notingham* came unto them from such of the *English* Commissioners as were met in the Council Chamber, to signify that they were so much ashamed of the frequent Disappointments they had given them, That for preventing the like for the future, they had resolved amongst themselves to apply to Her Majesty for a new Commission under the Broad Seal, in which Seven might be named a *Quorum*.

After these Lords withdrew, the *Scots* Commissioners considered the Proposition, and having caused read their own Commission, by which they are authorized to Treat with Commissioners to be named by Her Majesty under the Broad-Seal of *England*, their sufficient Number, which is not specified; They thought themselves sufficiently warranted to Treat with that Number of the *English* which should be determined by the Commission under the Great-Seal of *England*, and of this they acquainted the *English* by the Marquess of *Amundale*, Earl of *Seafeld* and Viscount of *Tarbat*, and then adjourned to *Saturday* the 23 instant.

Die *Saturni* 23. *Januar.* 170³₃.

THE Commissioners being met, the *English* gave in a new Commission under the Broad-Seal of *England*, whereby Seven were appointed a *Quorum*; And the same being read, the Lord Keeper offered in Writing the following Considerations upon the Articles, in reference to Home Consumpt offered by their Lordships of *Scotland* on the 18th: Which Considerations being read, were by the *Scots* Commissioners taken into Consideration till next Meeting, which was appointed on the 27th instant, and a Conference appointed on the 26th instant.

Follows the Considerations offered by the English.

1. AS to the former part of the first Article, *viz.* That neither Kingdom be burdened with the Debts contracted, or to be contracted by the other before the Union, it being the same *in terminis* with the 5th Proposition delivered by your Lordships on the 9th *December*; the Observation made then may suffice for a Reply to it now, *viz.* That tho the Debts of *England* have been contracted by a long War, entred into more particularly for the Preservation of *England*, and the Dominions thereto belonging, yet *Scotland* has had its Share in the Benefits which have

have accrued to *Great-Britain* in general from the Opposition that has been made to the Growth and Power of *France*, and have encreased the Number of their Seamen considerably, by the Imployment they had in the Coast-Trade of *England* during the War. But as it is necessary they should be under equal Impositions with regard to the Ballance of Trade, and Manufactories when the Kingdoms shall be united, and a free Communication of Native Product settled, so it may be reasonable that the Money so raised upon that part which is now called *Scotland*, should be applied to the Security and Protection of *Scotland*, and the Trade thereof; nor does it follow, That because the Duties now raised on particular Funds in *England* are appropriate for payment of Debts; That therefore when the like Duties are laid on in *Scotland*, they must be applied in the same manner, but for their Lordships to propose that there be no other Duty in *Scotland* than these now on Foot there, till the Debts in *England* contracted, or to be contracted before the Union be fully satisfied and paid, settles the present Trade on an equal Foot, (which is intended by an equality of Impositions) at such a distance, as gives little hopes to any now alive of coming at it; For one of the nine Pences on Beer and Ale being the Fund of the first Million Act, Anno 4 and 5. of the late King and Queen, was granted for 99 years; One Nine Pences more (which is the Fund of the Lottery) for about eight years yet to come; One nine Pence more (which is the Bank-Fund) Inheritance to the Crown, as are also the several Duties upon Salt, and half that on Stamped Paper, tho' in these latter Duties there are Clauses of Provision for Redemption, but whilst it is insisted, That there shall be no other nor greater in *Scotland* than are already paid there, it may be presumed that these already mentioned, are enough to prevent the necessity of enquiring into the Number or Proportion of what they have in *Scotland*, where if by Exemption from such Duties, a Clothier can subsist himself at 4d per diem, whereas he cannot subsist in *England* under 8d per diem; Then all such Manufactures who shall go thither; will be able to undersell, and consequently out-trade those that stay in *England* half in half in what relates to their Labour, by subsisting so much cheaper; But the Workmanship of every pound of Wooll made in Cloth, advances the value of it near Nine Parts in Ten for its first Cost.

2. As to the second Article, their Lordships say, That Duties upon the Home Consumption require to be equally laid on all the parts of the United Kingdoms; Nor do the Northern Counties of *England* pay less Duties of Excise (as seems here suggested) than the Mid-land, but rather more in Proportion to the value of their Counties and Commodities excised.

3. As to the Third Article, it is needless to debate upon it till the first be settled, these two depending the one upon the other; If indeed the Lords Commissioners for *England* should think it expedient to exempt Home-Consumption of *Scotland* from any new Duties for some reasonable Period of Time, till that Kingdom began to reap the benefite of the free Communication of Trade intended by the Union, Then their Lordships will insist, that such Commodities as pay Duties in *England* may be cleared with the same Duties when they are exported or brought out of *Scotland* into *England*, & upon some other Provisions which will be requisite to prevent Frauds in Her Majesties Revenues.

4. As to the 4th Article, The Lords Commissioners for *England* say, That the free Communication, especially of the Foreign Trade, to which in the terms of the Preliminaries their Lordships have assented, is so great a Benefite to *Scotland*, that they did not expect an Equivalent should have been mentioned, for the equality of Imposition on Importation and Exportation; Besides, their Lordships say, your Lordships have already agreed upon an equality of Impositions as to Foreign Trade, both as to Exportation and Importation.

5. As to the 5th Article, It will be impossible to determine this Point till their Lordships shall be informed of the value of the Lands in *Scotland*, and this may be further debated when their Members or Representatives in the Parliament of *Great-Britain* shall be settled.

Die Mercurii 27. Januar. 170²₃.

THE Commissioners for the Conference having met on the 26 Instant, The *Scots* Commissioners thought it best to give Answers in Writing to the Considerations offered by the *English*, which might be entred in the Books with the Considerations, and gave them in accordingly, which prevented the Conference, for the *English* desired to consider the Answers till next Meeting, which was appointed on the 28 instant.

Die Jovis 28th Januar. 170²₃.

THE Commissioners having met, the Lord President on the part of the Lords Commissioners for *England*, offered the following Paper, as their Lordships Sense of the Conference at the preceeding Meeting, which was read as follows.

The Lords Commissioners for *England* agree, that neither Kingdom shall be burdened with the Debts of the other, contracted before the Union, and that no Duties on Home Consumption, or Taxes to be levied from *Scotland*, shall be applied for payment of the *English* Debts; and whatever time may be fit to be allowed to *Scotland* to reap the benefite of the Communication of Trade, and enable them the better to pay Duties on Home Consumption equal to *England*, is most proper to be determined in the respective Parliaments of both Kingdoms.

Then his Lordship offered on the part of the Lords Commissioners for *England* an Answer to the Proposition made at the last Meeting by their Lordships of *Scotland*: Which was read as follows.

As to the last Proposition delivered the 27th Instant, their Lordships say, It has been found by Experience, That two Companies existing together in the same Kingdom, and carrying on the same Traffick, are destructive to Trade, and are therefore of Opinion, that to agree with this Proposition, will be inconsistent with the Interest of *Great-Britain*.

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The Lords Commissioners for *Scotland* withdrew to consider these Papers, and returning to the Council Chamber, My Lord Duke of *Queensberry* acquainted their Lordships of *England*, That the Lords Commissioners for *Scotland* would consider their Lordships Answer to their Proposition about the Company against the next Meeting; That they had now prepared for their Lordships what they took to be their Sense of the Paper they had received from their Lordships, which was read as follows.

The Lords Commissioners for *Scotland* understand the Paper given in by their Lordships in this Sense; That neither Kingdoms shall be burdened with the Debts of the other contracted before the Union, and that no Duties on Home Consumption, or Taxes to be levied from *Scotland* shall be applyed to the payment of *English* Debts, and that a Time be allowed to *Scotland* to reap the Benefite of the Communication of Trade, before that Kingdom become lyable to pay other or greater Duties on Home Consumption, or Inland Taxes, than those now on Foot: And that it is most proper to be determined by the respective Parliaments of both Kingdoms how long that Time of Exemption shall subsist: This Paper their Lordships of *England* took into Consideration against next Meeting.

The Duke of *Queensberry* moved, That since they were so near agreeing on this Matter, which was only the first of the Articles offered on the 18th Instant, that they should proceed to the Consideration of the other Articles.

And accordingly the 2d of the said Articles was read, and the Consideration and Answers relative thereto were spoke to by the Lords Commissioners on both sides; But before coming to any Resolution, their Lordships adjourned to the 30th Instant.

Die Saturni 30th Januar. 1703.

The Commissioners having met, the Lord President of the Council on the part of the Lords Commissioners for *England*, acquainted their Lordships of *Scotland*, that they had drawn up an Article in reference to the matter, which had been the Subject of Conference at the two last Meetings, which he hoped would give their Lordships full Satisfaction.

The said Article was read, and the saids Commissioners for *Scotland* having withdrawn to consider the same, and returning to the Council Chamber, My Lord Duke of *Queensberry* acquainted their Lordships of *England*, That the Lords Commissioners for *Scotland* had agreed to the Article as given in by their Lordships, understanding their Lordships Sense of the last Clause to be such, as that it relates to the Length of the Time to be allowed to *Scotland*.

Ordered, That the said Article be insert in the Journals of this Day, as agreed on between the Lords Commissioners of both Kingdoms.

Agreed by the said Commissioners of both Kingdoms, That neither Kingdom shall be burdened with the Debts of the other contracted before

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the Union, and that no Duties on Home Consumption, or Taxes to be levied from *Scotland*, shall be applyed to the Payment of *English* Debts. And that some time is to be allowed to *Scotland* to reap the Benefite of the Communication of Trade, and enable them the better to pay Duties on Home Consumption equal to *England*, but that it is most proper to be determined in the respective Parliaments of both Kingdoms.

Ordered, That the Journals of what has been transacted hitherto be made ready by the Secretaries, to be read over at the general Meeting, appointed to be on *Monday* the first of *February*.

Die *Luna* 1st. *Febr.* 170².

THE Lords Commissioners having met, The L. Duke of *Queensberry* moved on the part of the Lords Commissioners for *Scotland*; That the first of the Proposals offered on the 18th of *January* being adjusted, they should proceed to the Consideration of the other Articles, whereupon the second and subsequent Articles were read severally, and spoke to by the Lords Commissioners on both Sides, but their Lordships came to no Resolution on any of these Articles.

The Duke of *Queensberry* acquainted the Lords Commissioners for *England*, that their Lordships of *Scotland* having considered their Lordships Answer to their Proposition of the 27th of *January*, about the Company Trading to *Africa* and the *Indies*; They did offer to their Lordships the following Paper, which was read, and taken into Consideration by the Lords Commissioners for *England*, and is as follows.

By the Lords Commissioners for Scotland.

THEIR Lordships do still insist for Preserving and Securing the Privileges of the *Scots* Company trading to *Africa* and the *Indies*, Because the Undertakers did on the publick Faith of the Kingdom, advance a Stock of 200000 *lib.* or thereby; And it is not unknown to your Lordships, what part the Generality of the Kingdom, and also the Parliament of *Scotland* did take in the Discouragements and Disappointments the said Company did receive, as is fully expressed in the Address of the Parliament to the late King.

2. Their Lordships conceive, That the Privileges of the *Scots* Company may consist with the *English* East India Company, or any other *English* Company which are circumscribed to the present Limits of *England*; And it is not proposed that the Privileges of the *Scots* Company should be extended beyond the Bounds of *Scotland*, so the several Companies do not interfere.

3. If the existing of Companies for carrying on the same Traffick, do appear to your Lordships destructive of Trade: It is not expected that your Lordships will insist, that therefore the Privileges of the *Scots* Company should be abandon'd, without offering at the same time to purchase their Right at the publick Expence.

And then they adjourned to *Wednesday* the 3^d Instant.

Die

Die Mercurii 3d. Februar. 170².

THE Commissioners having met, and there being a Letter from the Queen to Adjourn their Meeting,

In the Name of the Commissioners for *England* said; That since Her Majesty is pleased to adjourn our Meeting, there are something so essentially necessary to compleat the Union of the two Kingdoms, that we think our selves obliged to mention them before we part: That on both sides we may come the better prepared to settle them at our next Meeting, particularly the Constitution of the Parliament, the Affairs of the Church, and the Municipal Laws and Judicatories of *Scotland*, for the Securitie of the Properties of the Subjects of that Kingdom.

And then the Queen's Letter adjourning them to the 4th of *October* next was read, as follows.

A. R.

“ Right Trustie, and right intirely beloved Cousins and Counsellors,
 “ Right Trustie and right well beloved Cousins and Counsellors,
 “ Right Trustie and well beloved Counsellors, and Trustie and
 “ well beloved; We Greet you well: We are extreemly pleased with
 “ the Accounts We have received from time to time in your Proceedings of
 “ the Treaty of Union between Our two Kingdoms; and tho there be
 “ some very Important Matters still remaining to be adjusted (the Confi-
 “ deration whereof may require more Time than Our other weighty Affairs,
 “ will now allow) yet the great Progress you have already made beyond
 “ what has been done in any former Treaties, gives Us good Hopes, that
 “ at your next Meeting, this will be brought by your good Endeavours to
 “ to an happy Conclusion to the end thereof, that ye may duly consider
 “ by your selves all such other things as may be necessary to compleat the
 “ Union; And that ye may attend upon your other Affairs in your respec-
 “ tive Stations, where Our Service requires you; We have thought fit to
 “ Adjourn, and accordingly do Adjourn your Meeting on this Treaty un-
 “ to Monday the Fourth Day of *October* next. Given at Our Court at St.
 “ James's the 3d Day of Februar. 170².

To the Commissioners Appointed for Treating of an
 Union between Our two Kingdoms.

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1. The first part of the report is a general statement of the purpose of the study. This is followed by a brief review of the literature on the subject. The next section is a description of the methods used in the study. This is followed by a presentation of the results of the study. The final section is a discussion of the results and their implications.

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